Issuer:	Riigikogu
Type:	act
In force from:	01.07.2017
In force until:	31.12.2017
Translation published:	19.06.2017

Land Register Act

Passed 15.09.1993
RT I 1993, 65, 922
Entry into force 01.12.1993

Amended by the following acts

Passed	Published	Entry into force
14.12.1994	RT I 1994, 94, 1609	29.12.1994
26.06.1996	RT I 1996, 51, 967	29.07.1996
20.01.1999	RT I 1999, 10, 155	01.01.2000
17.02.1999	RT I 1999, 27, 380	01.04.1999, partially18.03.1999
Full text on RT hard copy	RT I 1999, 44, 511	
07.02.2001	RT I 2001, 21, 113	01.03.2001
06.03.2001	RT I 2001, 31, 171	29.03.2001
06.06.2001	RT I 2001, 56, 336	07.07.2001
14.11.2001	RT I 2001, 93, 565	01.02.2002
15.01.2003	RT I 2003, 13, 64	01.07.2003
25.02.2004	RT I 2004, 14, 91	25.03.2004
22.02.2005	RT I 2005, 15, 85	01.01.2006
15.06.2005	RT I 2005, 39, 308	01.01.2006
12.10.2005	RT I 2005, 57, 450	01.01.2006
26.01.2006	RT I 2006, 7, 42	04.02.2006
06.12.2006	RT I 2006, 61, 456	01.01.2007
24.01.2007	RT I 2007, 12, 66	01.01.2008
21.11.2007	RT I 2007, 67, 413	28.12.2007
04.06.2008	RT I 2008, 27, 177	10.07.2008
10.12.2008	RT I 2008, 59, 330	01.01.2009
06.05.2009	RT I 2009, 27, 164	08.06.2009
26.11.2009	RT I 2009, 61, 401	26.12.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, entry into force on the date determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
17.06.2010	RT I 2010, 38, 231	01.07.2010, partially01.01.2011
05.12.2012	RT I, 18.12.2012, 3	01.01.2013
10.04.2013	RT I, 02.05.2013, 1	01.07.2013
11.12.2013	RT I, 23.12.2013, 1	01.01.2014, partially01.01.2015 and 01.01.2020
19.02.2014	RT I, 13.03.2014, 3	01.01.2018, partially23.03.2014 and 01.01.2016
11.06.2014	RT I, 21.06.2014, 8	01.01.2015, partially01.07.2014

19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 107³ (4) of the Government of the Republic Act.
20.11.2014	RT I, 05.12.2014, 3	03.02.2015
07.06.2016	RT I, 22.06.2016, 21	01.08.2016
07.06.2016	RT I, 28.06.2016, 1	01.07.2016, partially 01.01.2017
20.04.2017	RT I, 09.05.2017, 1	01.07.2017

Chapter 1
GENERAL PROVISIONS

§ 1. Purpose of Land Register Act

(1) The Land Register Act provides for the procedure for maintenance of land registers.

(1^1) Issues not provided for in this Act shall be settled pursuant to the provisions of the Code of Civil Procedure concerning adjudicating registry matters. The provisions of the Code of Civil Procedure concerning registration application are applied to the registration application taking account of the specifications provided for in this Act..
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(1^2) [Repealed – RT I 2008, 59, 330 - entry into force 01.01.2009]

(2) The minister responsible for the field has the right to issue regulations for implementation of this Act and organisation of the activities of the land registry department.
[RT I, 21.06.2014, 8 – entry into force 01.01.2015]

(3) The following may be established by a regulation of the minister responsible for the field:
1) requirements for the form and the technical requirements for submitting of documents submitted to the land register department which are necessary for computerised data processing;
2) a requirement according to which a draft application or other draft document to be notarially certified, which is submitted to the land registry department, must be prepared by a notary.

(4) The provisions of the Public Information Act concerning databases together with the specifications provided for in this Act apply to land registers and maintenance thereof.
[RT I 2007, 12, 66- entry into force 01.01.2008]

§ 2. Chief processor and authorised processor of land register
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

The chief processor of the land register is the Ministry of Justice and the authorised processors are the land registry department of Tartu County Court and the Centre of Registers and Information Systems.
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

§ 3. [Repealed – RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 4. Land registry department seal

(1) A land registry department has a seal bearing the national coat of arms.

(2) A court officer who performs notarial acts in the land registry department may have a seal bearing his or her name and the national coat of arms.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 5. [Repealed - RT I, 18.12.2012, 3 – entry into force 01.01.2013]

[Title repealed -RT I, 21.06.2014, 8 – entry into force 01.01.2015]

§ 5^1. Registered immovable

Each of the following, if entered in the land register as an independent unit, is registered immovable:
1) an immovable (plot of land);
2) right of superficies;
3) apartment ownership;
4) right of superficies in apartments.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 6. Change of land registry jurisdiction

[Repealed - RT I, 18.12.2012, 3 – entry into force 01.01.2013]

§ 7. Registered immovable in several land registry jurisdictions

[Repealed - RT I, 18.12.2012, 3 – entry into force 01.01.2013]

§ 8. Immovables to be entered in land register

(1) All immovables shall be entered in a land register unless otherwise provided by law. An independent register part is opened for each immovable entered in a land register and a separate number (registered immovable number) is assigned thereto.

(2) The register part specified in subsection (1) of this section shall be deemed to be the land register with respect to the immovable.

(3) [Repealed -RT I, 28.06.2016, 1 - entry into force 01.01.2017]

(4) A register part is opened on the basis of an application of the owner.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 8[1]. Opening register part

(1) Before opening a register part for an immovable which has not been entered in the land register, a land registry department shall publish a notice thereof in the official publication *Ametlikud Teadaanded*and, if necessary, in any other manner available to the persons concerned.

(2) The notice shall set out:
1) the location and area of the immovable to be entered;
2) the name of the person to be entered as the owner;
3) a proposal to persons to notify the land registry department of any errors or inaccuracies present in the notice within one month after publication of the notice in the official publication *Ametlikud Teadaanded*;
4) the name and location of the land registry department.

(3) A complaint filed with respect to the opening of a register part and an entry to be made does not prevent the opening of the register part. The person who filed the complaint may request permission that a notation be made in the register part to be opened from the person who will be entered in the land register as the owner.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 9. Real rights to be entered in land register

(1) Real rights relating to an immovable are entered in a land register.

(2) A real right entry is made in the register part for the immovable being encumbered.

(3) A notation concerning restricted real rights belonging to the actual owner of a registered immovable shall also be made in the register part for the registered immovable of the owner on the basis of an application of the owner.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(4) If a real right specified in subsection (3) of this section is amended or extinguished, the land registry department is required to correct the notation.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

Chapter 2
CONTENT OF LAND REGISTER

§ 10. Composition of land register

A land register is composed of:
1) a register;
2) a land registry journal;
3) a land registry file.

§ 11. Land register

(1) Entries are made in a land register.

(2) [Repealed - RT I, 21.06.2014, 8 – entry into force 01.01.2015]

(3) [Repealed - RT I 1994, 94, 1609 - entry into force 29.12.1994]

(4) A register part has a title and four divisions.
[RT I, 05.12.2014, 3 - entry into force 03.02.2015]

(5) [Repealed - RT I, 05.12.2014, 3 - entry into force 03.02.2015]

(6) [Repealed - RT I, 05.12.2014, 3 - entry into force 03.02.2015]

§ 12. Title of register part

The title of a register part shall set out:
1) [Repealed - RT I, 21.06.2014, 8 – entry into force 01.01.2015]
2) the name of the land registry division;
[RT I, 21.06.2014, 8 – entry into force 01.01.2015]
3) the registered immovable number;
4) [Repealed - RT I, 02.05.2013, 1 - entry into force 01.07.2013]
5) [repealed -RT I, 05.12.2014, 3 - entry into force 03.02.2015]

§ 13. First division of register part

(1) The following is entered in the first division "Composition of Registered immovable" of a register part:
1) the cadastral code of the registered immovable;
2) the specific purpose of the registered immovable;
3) the location of the registered immovable;
4) the restricted real rights established for the benefit of the registered immovable (subsection 9 (3));
5) the area of the registered immovable;
6) the merger and division of registered immovables, as well as the joining of a part of a registered immovable with the registered immovable, or separation of a part of a registered immovable from the registered immovable.

(2) The information provided in clauses (1) 1)-3) and 5) shall be submitted by the registrar of the state cadastre prior to the registration of a registered immovable in the land register. Such information shall not be deemed to be an entry for the purposes of the Law of Property Act or this Act.

(3) Upon changes to the information specified in subsection (2) of this section, if these changes do not involve changes to the boundaries of the registered immovable on the cadastre plan, a person with registration competence shall correct the information in the first division of register part on the basis of a written application of the registrar of the state cadastre.

(4) If changes to the area of a registered immovable involve changes to the boundaries of the registered immovable on the cadastre plan, the registrar of the state cadastre shall submit, together with an application for the correction of the information, the consent of the owner of the registered immovable and other persons concerned as evident from the register to the correction of the information in the land register. The consent of the owner and the person concerned shall be notarially certified or digitally signed.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 14. Second division of register part

The following is entered in the second division "Owner" of a register part:
1) owner;
2) if the registered immovable is in shared ownership, the owners, whether the registered immovable is in joint ownership or common ownership and, in the case of common ownership, the size of the shares of the co-owners.
[RT I 2007, 67, 413 - entry into force 28.12.2007]

§ 15. Third division of register part

(1) The following is entered in the third division "Encumbrances and Restrictions" of a land register part:
1) restricted real rights encumbering the registered immovable, except a mortgage, restrictions on immovable property ownership and notations concerning the restrictions;
2) restrictions on the right of disposal of the owner of the registered immovable and other notations concerning ownership;
3) amendments of entries specified in clauses 1) and 2) of this section, including restrictions on disposal of the rights of persons concerned;
4) deletion of entries specified in clauses 1)-3) of this section.

(2) [Repealed -RT I, 28.06.2016, 1 - entry into force 01.01.2017]

§ 16. Fourth division of register part

The following is entered in the fourth division “Mortgages” of a land register part:
1) the mortgagee;
2) the monetary amount of a mortgage (the sum of the mortgage);
3) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003];
4) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003];
5) the notations concerning a mortgage;
6) the amendments of entries specified in clauses 1)-5) of this section;
7) the deletion of entries specified in clauses 1)-6) of this section.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 17. [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 18. Replacement part of register

(1) If a land register part is destroyed, lost or damaged, a court shall establish a replacement part to restore the file pursuant to a prescribed civil procedure.
[RT I 2008, 59, 330 - entry into force 01.01.2009]

(2) The procedure is initiated on the basis of an application of the director of the land registry department or a person concerned. At least one month before the hearing of the content of the request or petition the court shall publish a notice in the publication *Ametlikud Teadaanded*, which sets out the content of the request or petition.
[RT I 2006, 7, 42 - entry into force 04.02.2006]

(3) Upon expiry of the term established in subsection (2) of this section, a person with registration competence shall decide the opening of a replacement part of register.
[RT I 2006, 7, 42 - entry into force 04.02.2006]

§ 19. Land registry journal

(1) Registration applications (§ 34) which express the desire for an entry to be made are registered in a land registry journal.

(2) The date of acceptance of the application, the number of the registered immovable concerned, the date the ruling was made, the duration of the ruling, the dates of arrival of supporting documents, the dates of making, entry and notification of the ruling on entry, the signatures of the persons performing the registration, the value of the transaction and the state fee are also entered in the land registry journal.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 20. Land registry file

(1) All the documents concerning the registered immovable shall be stored in a land registry file.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(2) The land registry department shall ensure the conformity of the documents stored in the land registry file with the source documents.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(3) A land registry file is composed of:
1) a copy of the register part;
2) all documents concerning the registered immovable.

(4) A land registry department shall ensure the conformity of the copy of the register part and other documents in the land registry file with the source documents.

§ 21. [Repealed - RT I 1999, 27, 380 - entry into force 01.04.1999]

§ 22. Archives of land registry department

(1) The archives of land registry department are maintained digitally.

(2) The minister responsible for the field shall establish by a regulation the list and time limits for preservation of information and documents to be kept in the archives of the land registry department, as well as procedure for maintenance and preservation of the archives and the requirements for the archives.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

Chapter 3
REGISTER ENTRIES

§ 23. Content of entry

A register entry includes:
1) the text of the entry;
2) the date of making the entry;
3) the signatures of the persons who made the entry.

§ 23[1]. Entries

Entries shall be made concerning real rights and notations.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 24. Text of entry

The text of an entry includes:
1) the content of a registered real right or notation, including the person for whose benefit the entry is made;
[RT I 2007, 67, 413 - entry into force 28.12.2007]
2) a reference to the source document and the document on the basis of which more precise proof of the content of the real right is desired;
3) a reference to ranking if several entries are made in the same register part on the same day (§ 49).

§ 25. Numeration of register entries

Entries in a register part are numbered within each register division in the order they are made. Amendment or deletion entries receive the number of the entry concerning which they are made.

§ 26. Formulation of entry

(1) Entries shall be made clearly and without abbreviations, except commonly used abbreviations.

(2) Strikes from and additions to the text of an entry, except the correction of spelling mistakes which have no legal effect, and deletion of the text or making it illegible in any other manner are not permitted.

§ 27. Entry of notation in register

(1) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(2) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(3) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(4) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(5) A notation which does not indicate the person for whose benefit the notation is made is not permitted to be entered in the register.

(6) An application for the entry of a notation shall be notarially certified unless otherwise provided by law.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 28. Location of notation in register

A notation is entered:
1) in the third division of a register part if the notation secures a claim for transfer of ownership;
2) in the division provided for the final entry if the notation secures a claim for the establishment of some other right in the registered immovable or for a right encumbering the registered immovable;
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]
3) in the remaining cases, in the division where the right is entered concerning which the notation is made.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 29. [Repealed - RT I 1999, 27, 380 - entry into force 01.04.1999]

§ 30. Ranking of entry and designation thereof

[RT I 2003, 13, 64 - entry into force 01.07.2003]

(1) If several entries are made in the same register part, each entry receives a ranking which corresponds to the ranking of the registration in the land registry journal. If applications are submitted concurrently, they are granted the same ranking.

(2) If entries are made in different divisions on the same day on the basis of registration applications submitted on different dates, the entries shall indicate that an entry applied for later has a lower ranking than an entry applied for earlier.

(3) Subsections (1) and (2) of this section do not apply if the persons concerned have specified otherwise.

(4) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(5) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(6) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(7) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 31. Entry of real right of several persons

Upon entry in the register of a real right owned by several persons concurrently, the corresponding legal relationship and the amount of the share of each person are noted.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 32. Entry of encumbrance of several registered immovables

(1) If several registered immovables are encumbered with the same real right, the other registered immovables which are encumbered with the same right are noted in each register part. The same applies if a registered immovable is later encumbered with a right which already encumbers another registered immovable or if upon transfer of a part of a registered immovable to another register part, a real right which encumbers the part of the registered immovable is also transferred.

(2) If an encumbrance specified in subsection (1) of this section is deleted with respect to some registered immovables, the deletion is noted in the register parts of the other registered immovables.

Chapter 4
REGISTRATION

§ 32[1]. Competence of assistant judge and judge upon registration

The competence of a judge and assistant judge upon registration is provided in the Code of Civil Procedure.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 32[2]. Competence of land registry secretary

(1) A land registry secretary is competent to review registration applications and prepare draft rulings on entry.

(2) [Repealed - RT I 2001, 93, 565 - entry into force 01.02.2002]

(3) The head of the land registry department may permit a land registry secretary to perform all functions within the competence of an assistant judge except making rulings on entry.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 33. Registration

(1) Registration is the making of an entry in a land register, including amendment or deletion of an entry, on the basis of a ruling of a person with registration competence.

(2) An entry is made after payment of a fee unless otherwise provided by law.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 34. Submission of registration application

[RT I 2010, 38, 231 - entry into force 01.07.2010]

(1) Any person whose rights are affected by an entry or for whose benefit the entry is made has the right to submit a registration application.

(2) [Repealed – RT I 2003, 13, 64 - entry into force 01.07.2003]

(2^1) A registration application shall be notarially certified or digitally signed. The notarially certified registration application shall be submitted together with the documents necessary for registration to the land registry department through the intermediary of the notary who certified the registration application over the electronic information system of notaries. For good reason the registration application and the documents required for registration may be submitted through another notary. The notary shall explain to a person what documents shall be appended to the registration application and what requirements apply to them.
[RT I, 18.12.2012, 3 - entry into force 01.01.2013]

(2^2) An authorisation document for submission of the registration application shall be notarially certified or digitally signed.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(3) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(4) [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

(5) [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

(6) The registration application shall set out a desire to make an entry, the number of the register part of the registered immovable in which the making of entry is applied for and content of the real right applied for. In the case of application for entry in the register part to be opened, the cadastral code of the registered immovable shall be indicated instead of the number of the register part in the registration application.
[RT I 2010, 38, 231- entry into force 01.07.2010]

(6^1) [Repealed - RT I 2007, 67, 413 - entry into force 28.12.2007]

(7) [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

(7^1) If a notarially authenticated disposition shall be added to the registration application pursuant to law, the registration application shall be notarially certified. In this case the registration application together with the documents necessary for registration shall be submitted to the land registry department via the notary who certified the registration application. For good reason the registration application and the documents required for registration may be submitted via another notary.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(8) [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 34^1. Consent of persons concerned

(1) The consent of the person whose right entered in the register part would be violated by an entry (the person concerned) is required for the making, amendment or deletion of the entry, unless otherwise provided by law.

(2) Unless otherwise provided by law, the person concerned is, above all:
1) upon the entry of a real right in the land register, the owner of an encumberable immovable or the owner of an encumberable real right;
2) upon deletion of a real right or amendment of the content thereof, the owner of a real right to be deleted or amended, or a person who owns a real right to the real right to be deleted or amended;
3) upon the transfer or encumbrance of a real right, the owner of the real right whose right is to be transferred or encumbered;
4) upon the change in ranking, the owners of the rights to be lowered and the persons who have real rights to such rights, and upon lowering of the ranking of a mortgage, also the owner of the immovable;
5) upon the entry of a notation in the land register, the owner of the immovable concerning which the notation is made or the owner of the real right concerning which the notation is made;
6) upon the amendment or deletion of a notation concerning an immovable or real right, the entitled persons pursuant to the notation and persons who have a real right to the right arising from the notation;
7) upon the entry of a restrictions on transfer in the land register, the owner of the immovable and the owner of the right concerned.

(3) The consent of a person concerned may also be contained in the registration application.

(4) The consent of the owner of an immovable is necessary in order to delete a right of superficies or a mortgage on the basis of an application of the superficiary or the mortgagee as appropriate.

(5) The consent of the person concerned shall be notarially certified.

(5[1]) The notarially certified consent of a person concerned shall be deemed to be equal to a digitally signed consent.

(5[2]) The consent of a person concerned shall contain the information provided in subsection 34 (6).
[RT I 2006, 7, 42 - entry into force 04.02.2006]

(6) The consent of a person concerned cannot be withdrawn.

(7) The consent of a person concerned is not required if:
1) a respective court ruling concerning the securing of an action, application of provisional legal protection or seizure of the property which has entered into force or is subject to immediate execution has been added to the registration application;
2) a bailiff is applying for the making of an entry upon performance of the functions arising from law;
3) the Financial Intelligence Unit is applying for the making of an entry upon performance of its functions arising from law;
4) a notary is applying for the making of an entry of objection in the land register after repealing the succession certificate;
5) a legatee is applying for entering a preliminary notation in the land register to secure the transfer of the real right in immovable property and the corresponding legatee certificate has been added to the registration application.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(8) The consent of a person concerned may be replaced by the court ruling which has entered into force or is subject to immediate execution whereby the obligation to grant consent has been established.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 35. Documents necessary for registration

(1) The following documents shall be appended to a registration application:
1) a standard format disposition;
2) required consents;
3) a copy of the court decision or a statement of the compulsory auction if the registration is applied for on the basis of a court decision or a statement of a compulsory auction;
[RT I 2008, 59, 330 - entry into force 01.01.2009]
4) [Repealed – RT I 2003, 13, 64 - entry into force 01.07.2003]
5) [Repealed – RT I 1999, 27, 380 - entry into force 01.04.1999]
6) information which allows to verify payment of the state fee;
[RT I 2007, 67, 413 - entry into force 28.12.2007]
7) other documents provided by law which are necessary for registration.

(1[1]) The original of the document or a notarially or officially certified copy shall be submitted to the land registry department. The officially certified copy may be electronic. In such case the digital signature of a person or digital stamp of an agency shall replace the name and signature of the person who has given the certification and the seal of the agency.
[RT I, 18.12.2012, 3 - entry into force 01.01.2013]

(1[2]) If the document is located in the land registry file, the document need not be submitted again. The location of the document shall be indicated in the registration application.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(2) [Repealed - RT I, 21.06.2014, 8 – entry into force 01.01.2015]

(3) A registration application and other documents necessary for registration submitted to the registration department by an entitled person do not become invalid if after the submission of the documents to the registration department, the right of disposal of the entitled person is restricted.

(4) The notation concerning the securing of an action and a judicial mortgage are entered in the land register on the basis of a registration application and a court ruling unless otherwise provided by law. The consent of a person concerned is not required for the making an entry.
[RT I 2008, 59, 330 - entry into force 01.01.2009]

§ 35[1]. [Repealed - RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 35[2]. Personal data submitted to land registry department

(1) The registration application, the consent of the person concerned and the land register entry shall set out the following with regard to a person:
1) the name of the natural person and Estonian personal identification code;
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]
1[1]) in the absence of the Estonian personal identification code, a foreign personal identification code;
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]
1[2]) in the absence of the personal identification code other identification substituting for the personal identification code or the date of birth;
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]
2) in the case of a legal person, the name and the registry code. The registry code need not be indicated if the legal person is not subject to entry in a public register.

(2) Subsection (1) of this section shall not be applied upon submission of personal data if an entry is made in the land register concerning the actual owner of another registered immovable.

(3) In the case of a person who is not an Estonian citizen or an Estonian legal person, the information concerning the citizenship of the natural person and whether or not he or she holds a valid residence permit in Estonia shall be indicated in the registration application, and in the case of a legal person it shall be indicated on the basis of which foreign law or international agreement it is acting and in which register it has been entered. Such information shall not be entered in the land register part.

(4) In the case of a person who has no place of residence entered in the Estonian population register and who is not an Estonian legal person, his or her address shall be indicated additionally and the land registry department shall be notified immediately of any change in the address. The address shall not be entered in the land register part. The address shall comply with the provisions of subsections 62 (5) and (5[1]) of the Commercial Code.

(5) [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

(6) [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

(7) [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

(8) [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 36. Submission of plan

(1) Submission of a copy of the cadastre plan or a sketch map of the registered immovable issued by the registrar of the state land cadastre shall be submitted to the land registry department if this is necessary for understanding the entry.

(2) A copy of the plan or a sketch map of a registered immovable used upon notarial authentication is a part of the notarial instrument.
[RT I 2009, 27, 164 - entry into force 08.06.2009]

§ 36[1]. Other documents

(1) If a person is acting in the name of another person, he or she shall submit to the land registry department standard format documentation certifying the right of representation.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(2) [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

(3) Hereditary succession shall be certified by a succession certificate.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(4) Where the possibility exists to access the information contained in the commercial register, non-profit associations and foundations register and marital property register by electronic means, the land registry department shall, instead of requiring the submission of the copies of registry cards, verify the necessary information via the computer network.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 37. Language of entries in land register

(1) The land register is maintained in Estonian.

(2) Documents in foreign languages shall be submitted together with the translation into Estonian certified by a sworn translator or notary or with the translation into Estonian on which the signature of the translator is certified by the notary.
[RT I, 18.12.2012, 3 - entry into force 01.01.2013]

(3) [Omitted - RT I 2001, 93, 565 - entry into force 1.02.2002]
[RT I 2001, 93, 565 - entry into force 01.02.2002]

§ 37[1]. Currency to be used

Sums of money shall be transferred to the land register in euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 38. Acceptance of registration applications

(1) [Repealed – RT I 2003, 13, 64 - entry into force 01.07.2003]

(2) A competent employee of a land registry department shall immediately make an inscription with his or her signature on a submitted application concerning the date and time of receipt of the application.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

(3) The registration application submitted by mail and its supporting documents shall be scanned and stored immediately in the electronic land registration file and returned at the request of the person who submitted them. The documents that were sent by mail the return of which is not requested shall be destroyed after one month has passed as of the submission thereof.
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

(4) The procedure for scanning, storing in the land registry file, returning and destroying of the registration application and its supporting documents shall be established by a regulation of the minister responsible for the area.
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

§ 39. Registration of registration application

(1) A registration application which arrives in a land registry department is immediately registered in the land registry journal and numbered according to the time of arrival of the application.

(2) Registration applications which arrive by mail or by e-mail on the same day shall be deemed to have arrived concurrently and shall be registered in the journal as the last applications to arrive on that day. The time that the acceptance of registration applications ends is noted as the time of acceptance.

(3) If it is possible to submit a digitally signed application directly into the information system of the electronic land register, the application and the time of the arrival of the application are registered in the land registry journal automatically and they are numbered on the basis of subsection (1).

(4) An application shall not be submitted by e-mail if it is possible to submit a digitally signed application directly into the information system of the electronic land register. In such case the land registry department shall return the application submitted by e-mail without entering it in the registry journal, specifying the reasons for return of application.
[RT I 2007, 67, 413 - entry into force 28.12.2007]

§ 40. Certificate concerning acceptance of registration application

(1) [Repealed -RT I, 09.05.2017, 1 - entry into force 01.07.2017]

(2) The person who submitted the registration application shall be sent an automatic acceptance confirmation concerning the registration application submitted to the information system of the electronic land register. The automatic acceptance confirmation does not serve as a basis for the recognition of the technical and legal correctness of the document submitted.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 41. Review of registration application

[RT I 2003, 13, 64 - entry into force 01.07.2003]

(1) [Repealed - RT I 1996, 51, 967 - entry into force 29.07.1996]

(2) If several registration applications are submitted for one registered immovable or one right, an entry on the basis of an application submitted later shall not be made before the making of an entry on the basis of an application submitted earlier.

(3) [Repealed – RT I 1999, 27, 380 - entry into force 01.04.1999]

§ 42. Conditional application

(1) A registration application the satisfaction of which is bound to a condition shall be denied.

(2) If several entries are requested in a registration application, the applicant may establish as a condition that one entry not be made without another entry being made.

§ 42[1]. Registration application which concerns several entries

If the making of several entries in the land register is applied for in a registration application, each entry applied for shall be indicated separately.

§ 43. Submission of supporting documents

(1) Until the making of a ruling on entry, a person who submitted the registration application may submit supporting documents to the land registry department.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(2) If the registration application was submitted via a notary, the supporting documents shall also be submitted via the notary.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 44. [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 45. [Repealed - RT I 1999, 27, 380 - entry into force 01.04.1999]

§ 46. Ruling on entry

(1) Upon review of a registration application, a person with registration competence shall ascertain if:
1) the required documents (§ 35) which conform to the required form are submitted;
2) registration is not precluded due to the rights entered in the land register or secured by notations or arising from law.

(2) After review of a registration application, the person with registration competence shall make a ruling on entry within three months after the date of receipt of the application. An application for the transfer or encumbrance of a registered immovable or for making a notation shall be reviewed not later than within one month as of the date of receipt of such application. A court may, in the existence of circumstances requiring special investigation, extend the term specified in the second sentence of this subsection.
[RT I 2007, 67, 413 - entry into force 28.12.2007]

(3) If there are omissions in a registration application which prevent the entry from being made or if a required document is omitted, the person competent to make the entry shall set a term for the elimination of omissions.

(3[1]) The bases for the suspension of proceedings provided for in the Code of Civil Procedure shall not apply to the review of registration applications, except applications for first registration a registered immovable.

(4) If several registration applications are submitted for one immovable and if the application bound to an impediment or an application precluding the registration is registered in the land registry journal earlier, a preliminary notation or an objection concerning the entry applied for in the application which was submitted earlier shall be entered *ex officio*in the division provided for the entry in the land register prior to making the entry on the basis of the application received later. The preliminary notation or objection shall be *ex officio*deleted when the entry bound to the impediment is made or the appeal against court ruling is dismissed or denied.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(5) If the omission is not eliminated within the set term, the person with registration competence shall make a ruling on the denial of the application. The person with registration competence shall review an application within one month after all omissions are eliminated and the required documents are submitted.

(6) [Repealed - RT I 2006, 7, 42 - entry into force 04.02.2006]

§ 47. [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 48. Content of ruling on entry

A ruling on entry shall contain the following:

1) the date and place of making the ruling;
2) the text of the entry, as well as reference to the land register part and its division where the entry is made;
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]
3) the reasons and legal basis for the ruling if a registration application is denied;
4) the procedure and term for an appeal against the ruling;
5) the name and office of the person who made the ruling.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 49. Making of entry in register

(1) An entry is made in a register on the basis of a ruling on entry.

(2) If several entries are made in a register part, the entries receive the order which corresponds to the temporal order of submission of applications.

(3) If several entries are made in different divisions of the same register part on the same day the applications for which were not submitted concurrently, a notation is *ex officio*entered in the register part so that an entry made on the basis of an application submitted later ranks lower than an entry made on the basis of an application submitted earlier.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(4) Subsections (2) and (3) of this section do not apply if no relationship exists between the ranking of rights being entered or if the ranking of the making of the entries is specified by the persons concerned.

(5) An entry is first signed by the person who made the entry and, after verifying the compliance of the entry with the ruling on entry, by the person who made the ruling on entry. An entry has the date of signature. An entry enters into force as of the date on which the person who made the ruling on entry signs it.

(6) If an entry is made by the person who made the ruling on entry, only that person shall sign the entry.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 49[1]. Entry concerning subsequent successor and exemption of provisional successor from restrictions and obligations

(1) Upon entering a provisional successor in the land register, a notation concerning the subsequent successor shall be made as well.

(2) If a testator has exempted a provisional successor from the restrictions and obligations provided by law, upon entering the provisional successor in the land register, a notation concerning the provisional successor being exempt from the said restrictions and obligations shall be made as well.

(3) The notations specified in subsections (1) and (2) of this section shall be *ex officio*entered:
1) in the third division of the land register if an immovable is the object of succession;
2) in the third division of the land register if a right entered in the third division is the object of succession;
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]
3) in the fourth division of the land register if a mortgage is the object of succession.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 49[2]. Entry concerning executor of will

(1) If a testator has granted the executor of will the right to participate in the disposal of the object of succession, then upon entering the successor in the land register, a notation concerning the executor of will shall be made as well.

(2) Notations concerning the executor of will shall be *ex officio*entered in the same divisions of the land register as the notations specified in subsection 49[1](2) of this Act depending on the object of succession.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 49[3]. Entering right of superficies in land register

(1) Upon encumbrance of a registered immovable with a right of superficies, an independent register part shall be *ex officio*opened for the right of superficies.

(2) A number is assigned to the register part opened for a right of superficies in general order. The title of the register part shall indicate that the register part is opened for the right of superficies.

(3) The following is entered in the first division of the register part:

1) the word “right of superficies” as well as information concerning the composition of the encumbered registered immovable from the first division of the appropriate register part;
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]
2) the content of the right of superficies;
3) the owner of the registered immovable encumbered;
4) amendments to the information specified in clauses 1)-3) of this subsection.

(4) The registration application may be referred to in the entry as to what concerns the content of the right of superficies. Restrictions on transfer and restrictions on the conditions and terms of the right of superficies shall be directly evident from the entry.

(5) If there are differences in the entries of the register parts of the right of superficies and of the plot of land encumbered with the right of superficies concerning the content of the right of superficies, the entry in the register part of the right of superficies shall be determinative.

(6) Provisions concerning the register part of immovable property ownership shall otherwise apply upon making entries in the register part of the right of superficies.

§ 49[4]. Deletion of entry after death of entitled person

(1) A right which is restricted to the lifetime of the entitled person and in the case of which overdue registration acts made for his or her benefit are possible, may be deleted only with the consent of the successor of the entitled person within a year after the death or the declaration of death of the entitled person.

(2) A successor who does not grant consent for the deletion of a right specified in subsection (1) of this section from the land register shall have the right to request entering an objection in the land register to ensure the overdue registration acts.

(3) The consent specified in subsection (1) of this section is not necessary if a notation is entered in the land register stating that certification of the death of the entitled person shall be sufficient to delete the right.

§ 49[5]. Deletion of entry on due date

The provisions of section 49[4] of this Act shall apply correspondingly to a right which is deleted when the entitled person attains a given age or upon the fulfilment of some other determined condition.

§ 49[6]. Deletion of notation made on basis of court ruling

The consent of an entitled person is not necessary for the deletion of a notation made on the basis of a court ruling if the ruling on the basis of which the notation was made has been annulled by a judgment of the court in force.

§ 50. Communication of ruling on entry

(1) After the making of an entry, the owner of the registered immovable, all persons as evident from the register for whose benefit the entry was made or whose rights entered in the register the entry damages, and other persons and administrative agencies provided by law shall be immediately informed thereof pursuant to the procedure prescribed by a regulation established pursuant to subsection 1 (2) of this Act.

(2) A ruling on entry whereby an application is denied or a term is set for elimination of omissions shall be delivered to the applicant and to the notary who represents the applicant in the registration matter pursuant to procedure provided for in the Code of Civil Procedure.

(3) The forwarding or delivering of the ruling shall be indicated in the land registry journal.
[RT I 2007, 67, 413 - entry into force 28.12.2007]

§ 51. Refunding of state fee

[RT I, 05.12.2014, 3 - entry into force 03.02.2015]

(1) [Repealed - RT I, 05.12.2014, 3 - entry into force 03.02.2015]

(2) In the event of denial of an application, the fee paid is refunded on the basis of the ruling. The costs of the proceedings that constitute one fourth of the paid fee but not more than 30 euros are deducted from the fee to be refunded.
[RT I, 05.12.2014, 3 - entry into force 03.02.2015]

(3) [Repealed - RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 52. Deletion

(1) Entries are deleted by making a corresponding deletion entry in the corresponding division of a register part.

(2) [Repealed - RT I, 05.12.2014, 3 - entry into force 03.02.2015]

Chapter 5
DIVISION AND MERGER OF REGISTERED IMMOVABLES

§ 53. Opening of new register part

(1) If upon division of a registered immovable the formation of a new registered immovable from a separated part is desired, the land registry department shall open a new register part.

(2) The former register part shall indicate the decrease in area as a result of the division and the new registered immovable number.

(2^1) A person with registration competence may decide, in the interests of the clarity of the land register, to open new register parts for all new registered immovables formed upon the division of a registered immovable. In such case the former register part shall be closed.

(3) The new register parts shall refer to the number of the former register part.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 54. Encumbrance of part of registered immovable

(1) If encumbrance of a part of a registered immovable with a restricted real right is desired, the part shall be separated from the registered immovable and entered as an independent registered immovable.

(2) Division is not required upon encumbrance of a part of a registered immovable with a servitude unless confusion arises therefrom. The encumbered part shall be indicated on the copy of the plan or the sketch map of the registered immovable annexed to the registration application.

§ 55. Transfer of entries of restricted real rights upon division

(1) Upon division of a registered immovable encumbered with a restricted real right, the corresponding entry continues in the former register part and an entry is also made in the new register part unless otherwise specified by a notarially authenticated agreement between the owner of the registered immovable and the person concerned.

(2) [Repealed - RT I 1994, 94, 1609 - entry into force 29.12.1994]

(3) Upon division of registered immovables, the agreement provided in § 356 of the Law of Property Act shall be submitted to the registration department.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 56. Transfer of notation

(1) Upon division of a registered immovable, a notation continues in the former register part and is also transferred to the new register parts.

(2) If a notation concerns a part of a registered immovable, the notation shall be entered upon division of the registered immovable with the consent of the person for whose benefit the notation was made only in the corresponding part of the register.

§ 57. Joining part of registered immovable with other registered immovable

(1) If a part of a registered immovable is joined with another registered immovable, an amendment is made to both registered immovable entries and the numbers of both registered immovables are noted therein.

(2) The provisions of §§ 53-56 and 59-60 correspondingly apply otherwise.

§ 58. Merger of registered immovables

(1) Upon merger of several registered immovables into one registered immovable, the register part for a registered immovable being merged is closed in the register, and the registered immovable with which the registered immovable is merged is noted in the closed part.

(2) The increase in the area of a registered immovable and the number of the closed register part are noted in the register part that continues to be maintained.

(3) [Repealed - RT I, 21.06.2014, 8 – entry into force 01.01.2015]

§ 59. Transfer of entries upon merger

(1) Upon merger of registered immovables, entries are transferred to the register part which continues to be maintained and the entries are valid concerning the whole of the registered immovable.

(2) Real servitudes, real encumbrances and the right of pre-emption which encumber a registered immovable being merged for the benefit of another registered immovable being merged are deleted by the land registry department unless otherwise specified by the owner.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 60. Submission of registration documents

Upon division or merger of registered immovables, the documents specified in §§ 35 and 36 shall be submitted.

Chapter 6
CORRECTION OF REGISTER ENTRIES

§ 61.–§ 62.[Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 62[1]. Correction of entry

(1) The entry is corrected if:
1) the entry has been made on the basis of incorrect ruling of entry:
2) the entry has become incorrect due to transfer of real right outside land register;
3) the entry has become incorrect due to the change in the personal data of the person entered into the land register.

(2) The land registry department shall correct the entry on the basis of the registration application or *ex officio*on its own initiative. In cases provided by law an entry shall be corrected automatically.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 63. [Repealed - RT I 1994, 94, 1609 - entry into force 29.12.1994]

§ 63[1]. Correction of entry on basis of incorrect ruling on entry

(1) An entry made on the basis of incorrect ruling on entry shall be corrected on the basis of the registration application. For correction of entry, the consent of the person concerned is necessary.

(2) The land registry department shall *ex officio*correct spelling mistakes which have no legal effect and other obvious errors. The provisions of subsection 597 (4) of the Code of Civil Procedure do not apply.

(3) If the real right belongs to the joint property of spouses but, on the basis of the incorrect ruling on entry, only one spouse is entered in the land register as the owner thereof, for correction of entry the certificate of ownership which certifies that the real right belongs to the joint property of spouses, shall be added to the registration application.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 64. [Repealed - RT I 1999, 27, 380 - entry into force 01.04.1999]

§ 65. Deletion of entry upon loss of legal effect

(1) If an entry completely loses its legal effect, a person with registration competence shall make a ruling to delete the entry on the basis of an application of the person concerned by the entry and a corresponding court judgment.
[RT I 2008, 59, 330 - entry into force 01.01.2009]

(2) Upon denial of the application of the person specified in subsection (1) of this section for the deletion of an entry, the land registry department shall state the reasons for the denial.

(3) If the land registry department becomes aware that an entry has lost legal effect, the provisions of section 63^1(1) of this Act shall be applied correspondingly.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 65^1. Correction of entry upon transfer of real right outside land register

(1) If the land register has become incorrect due to transfer of a real right outside the land register, the land registration department shall correct the entry on the basis of the registration application of the new owner of the real right. A document certifying the transfer of the real right shall be added to the registration application.

(2) The provisions of subsection (1) of this section shall not apply if the transfer of a real right outside the land register is made due to merger of legal persons. In such case the land registry department shall *ex officio*correct the entry on the basis of the data in the database where the corresponding data have been entered as basic data. The provisions of subsection 597 (4) of the Code of Civil Procedure do not apply.

(3) If several persons concurrently due to a transfer thereof outside the land register own a real right, the entry shall be corrected on the basis of the registration application of one owner of the real right. The remaining owners of real right shall not be concerned persons for the purposes of this Act.

(4) If the real right is transferred to the successor and, pursuant to the certificate of succession, the type of proprietary relations of the spouses was joint property, the provisions of subsection 63^1(3) of this Act shall accordingly also apply for the correction of an entry in the land register.

(5) If in the case specified in subsection (4) of this section the real right belonged to the separate property of a bequeather, the certificate of ownership, which certifies that the real right belonged to the separate property of the bequeather, shall be added to the registration application for the correction of entry.

(6) If the land register has become incorrect due to transfer of real right outside land register and the new owner of the real right has not submitted the registration application specified in subsection (1) of this section, the land registry department may require the owner of real right or the executor of will to submit a registration application and the documents necessary for a correction of the entry to be made in the land register under the threat of a fine.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 65^2. Correction of entry in case of change of personal data

(1) In case of a change of personal data entered in the land register, if the person entered in the land register remains the same, the land registry department shall *ex officio*correct the entry on the basis of the data of the database where the respective data have been entered as basic data for the purposes of the Public Information Act. Provisions of subsection 597 (4) of the Code of Civil Procedure do not apply.

(2) Upon change of such personal data that are not entered as basic data in an Estonian database, the land registry department shall correct the entry on the basis of the corresponding notice and a certified extract from the corresponding register or other reliable certificate. A document issued by a foreign state shall be legalised or certified by a certificate (*apostille*) unless otherwise provided by an international agreement.

(3) If the technical potential exists, the correction of an entry specified in subsection (1) of this section shall be made automatically.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 66. Manner of correction of entry

(1) For correction of an entry, the incorrect entry is deleted and the correct entry is made pursuant to § 23 of this Act.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(2) A new entry shall note that it replaces the former entry.

(3) Correction of an entry in any other manner is prohibited.

Chapter 7

REWRITING AND REWORDING

§ 67. [Repealed - RT I 1996, 51, 967 - entry into force 29.07.1996]

§ 68. Rewriting due to lack of clarity

(1) If a division of a register part has become unclear, it shall be *ex officio*rewritten.

(2) [Repealed - RT I 1999, 27, 380 - entry into force 01.04.1999]

(3) A deleted entry shall be rewritten in the new division of the register, if it is necessary for the understanding of valid entries.

§ 69. Rewording

If understanding register entries is difficult, these may be reworded without changing the content of the entries upon rewriting the entries on the basis of the ruling of a person with registration competence.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

Chapter 8
APPEALS

§ 69[1]. [Repealed - RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 70. Entry of objection and prohibition on basis of application of person filing appeal against court ruling

(1) The person filing the appeal against a ruling on entry may demand that an objection be entered in the land register to ensure the correction of the entry concerning which the appeal against a court ruling is filed.

(2) A notation concerning the prohibition of the disposal of the right concerning which the appeal against a court ruling is filed shall be entered in the land register on the basis of a ruling of a county court or circuit court. The land registry department *ex officio*deletes the notation concerning a prohibition when the appeal against a court ruling is withdrawn or denied.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 71. [Repealed - RT I 1999, 27, 380 - entry into force 01.04.1999]

Chapter 9
CLOSING REGISTER PART

§ 72. Bases for closing register part

(1) A register part is closed:
1) upon merger of a registered immovable with another registered immovable;
2) upon rewriting of the register part;
3) [Repealed - RT I 2005, 15, 85 - entry into force 01.01.2006]
4) upon non-existence of the registered immovable;
5) in other cases provided by law.

(2) A register part opened concerning an immovable belonging to the state or local government shall be closed on the basis of an application of the owner unless the immovable is encumbered with a restricted real right.
[RT I, 28.06.2016, 1 - entry into force 01.01.2017]

§ 73. Manner of closure

Upon closure of a register part a notation concerning the closure is made in the title of the registry part.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

Chapter 10
ACCESS AND EXTRACTS

[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 74. Access to land register

(1) Everyone may access a register part and obtain printouts therefrom. Knowledge of the number of the register part or the address of the registered immovable or the name of the owner is sufficient to be granted access.

(2) Land registry file may be accessed and printouts obtained upon existence of a legitimate interest. The owner of the registered immovable, notary, bailiff, court and a supervisory body do not need to prove the legitimate interest to access the land registry file

(3) Land registry journal is intended for internal use and access is not allowed thereto.

(4) The land register and land registry file may be accessed at the notary office or via a corresponding web page.
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

(5) The owner of a registered immovable may authorise another person to access the land registry file maintained for the registered immovable that he or she owns via web page specified in subsection (4) of this section. The digitally signed authorisation shall be granted without the right to delegate. The authorisation granted via web page shall be withdrawn via web page.

(6) A regulation about refusal to grant permission for access to land registry file shall be formalised pursuant to subsection 59 (6) of the Code of Civil Procedure. If a notary refuses to grant permission for access to land registry file, § 41 of the Notaries Act shall apply.

(7) The procedure for access to land register, grant of authorisation and withdrawal of authorisation shall be established by a regulation of the minister responsible for the field.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 74[1]. Access to land register

(1) Access to land register may be effected by reproduction of the register part or a document contained in the land registry file on screen.

(2) The accessing person may retrieve himself or herself the register part or a document contained in the land registry file if it is technically ensured that the permitted extent of access is not exceeded and that the accessing person cannot change the content of a register part or document.

(3) The land register and land registry file may be accessed at the notary office or via a corresponding web page.
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

§ 75. Making printouts

(1) Certified and uncertified printouts are made from the land register.
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

(2) If the technical potential is available, digitally certified printouts shall be issued.

(3) A printout of a register part shall contain all valid entries of the corresponding division of the register part. Making printouts of individual entries is prohibited.

(4) A printout of the register part may also contain deleted entries at the request of an applicant.

(5) The procedure for making printouts shall be established by a regulation of the Ministry of Justice.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 76. Reference to submitted application

If a registration application is submitted to a land registry department concerning which a ruling on entry has not yet been made, a printout from the land register shall contain a reference to the registration application that is entered in the land registry journal.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 76[1]. Certificate to effect that entry is missing or has not been amended

(1) At the request of a person the notary shall issue a certificate that an entry has not been amended or that a particular entry or entries are not in the land register.
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

(1[1]) A certificate provided for in subsection (1) of this section may also be a printout from the land register.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(2) If the technical potential is available, the certificate referred to in subsection (1) of this section shall be issued automatically.

(3) The procedure for automatic issue of the certificate referred to in subsection (1) of this section shall be established by a regulation of the Ministry of Justice.
[RT I 2010, 38, 231 - entry into force 01.01.2011]

§ 77. [Repealed - RT I 2006, 7, 42 - entry into force 04.02.2006]

Chapter 10[1]
ELECTRONIC LAND REGISTER

§ 77[1]. Definition

(1) An electronic land register shall consist of:
1) a land register;
2) a land registry file;
3) a land registry journal;

(2) The provisions of §§ 1-77 of this Act apply to an electronic land register unless otherwise provided by this chapter.

(3) [Repealed -RT I, 21.06.2014, 8 - entry into force 01.07.2014]

(4) All information of the electronic land register is recorded and stored in one data processing centre. The minister responsible for the field shall designate a data processing centre for the electronic land register and establishes the procedure for data processing.

(5) The data processing centre is neither the land registry department nor maintains the land register but solely ensures the electronic recording, storage in a permanently unaltered state and reproduction of the information of the land register.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 77[2]. [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 77[3]. Data processing requirements

In the processing of a land register:
1) measures against loss of information shall be taken by making the necessary copies of databases at the end of each working day and by ensuring the storage of original information and copies as required;
2) making, amendment and deletion of entries only by competent persons shall be ensured, and access by incompetent persons to information shall be excluded;
3) the possibilities for smooth reproduction of land register information on screen and on print-out shall be ensured;
4) all inquiries to the land register shall be recorded.

§ 77[4]. External form of entries

The external form of a reproduction of an entry is specified in Chapter 3 of this Act.

§ 77[5]. Specification of form of register part

The title of a register part need not be on a separate page.

§ 77[6]. Notation concerning application received for registration

(1) Upon registration of a registration application, a reference to the title of the register part is made in the submitted application (seal). The seal consists of the consecutive number of the land registry journal and the year.

[RT I 2005, 39, 308 - entry into force 01.01.2006]

(2) The seal shall be visible upon accessing the land register and on the land register printout.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

(3) The seal is deleted either after the making of a registration entry or after a negative ruling on entry has entered into force.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 77[7]. Making of ruling on entry

(1) In the case of an electronic land register only the ruling on the basis of which an entry is not made in the land register is made separately.
[RT I, 18.12.2012, 3 - entry into force 01.01.2013]

(2) Instead of an affirmative ruling on entry, the person with registration competence shall make the register entry immediately. Despite subsection 49 (5), only the person who makes the entry signs the entry.

(3) On the basis of an application of the director of a land registry department, the minister responsible for the field may designate that the procedure provided for in §§ 47 and 49 of the Land Register Act applies upon maintenance of an electronic land register in the land registry department.

(3[1]) The ruling on entry shall be compiled in the information system of the electronic land register and signed electronically pursuant to § 77[8]of this Act.
[RT I, 18.12.2012, 3 - entry into force 01.01.2013]

(4) The person who makes an entry shall check the correctness, completeness of the entry and that the entry is stored on a data medium.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 77[8]. Electronic signature

(1) Information identifying the person who made an entry or a person who made the ruling on entry is appended to the register entry and ruling on entry. The register entry or ruling on entry and the identifying information on the person are signed with an electronic signature.
[RT I, 18.12.2012, 3 - entry into force 01.01.2013]

(2) An electronic signature shall be controllable by a competent agency.

§ 77[9]. Entry into force of entry

(1) A prerequisite for entry into force of an entry is its signature by a person with registration competence.

(2) An entry enters into force upon storage on a data medium designated for land register entries.

(3) All entries except the entries specified in subsection 13 (2) shall be provided with the date of entry into force.

§ 77[10]. Notification

In the case of an affirmative ruling on entry, instead of a copy of the ruling on entry specified in § 50, printouts of the register entry are sent to the persons concerned and to other persons and agencies provided by law.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 77[11]. Amendment or deletion of entry

(1) An electronic land register entry is amended by deletion of the current entry and making of a new entry. The new entry that replaces the current entry acquires the ranking of the current entry.

(2) Upon amendment or deletion of an entry, reproduction of the deleted part shall be possible permanently.

(3) Upon access to a land register and on a printout, the deleted entries are presented only when the presentation thereof is specifically applied for.

(4) Upon reproduction of deleted entries, they shall be distinguishable from valid entries on the screen and printout.

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 77[12]. [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 77[13]. Co-operation with cadastral registrar

(1) If a land register is electronically connected to the land cadastre, the land registry department shall retrieve the information in the land cadastre specified in subsection 4 (2) of the Land Cadastre Act necessary for maintenance of division I of the land register.

(2) If a land register is electronically connected to the land cadastre, the cadastral registrar shall retrieve the information in the first and second divisions of the land register specified in subsection 4 (3) of the Land Cadastre Act necessary for maintenance of the cadastre.

(3) No separate permission or agreement is required for retrieval of information in the cases specified in subsections (1) and (2) of this Act.

(4) The notification obligation of the land registry department is not valid concerning entry in the land register of information transferred from the land cadastre to the land register pursuant to subsection (1) of this section.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 77[14]. [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 77[15]. [Repealed - RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 77[16]. Procedure of payment for issue of information of electronic land register

(1) The issue of data of the electronic land register is for a charge.

(2) The rates of fees charged for the issue of electronic land register data in the amount of up to two euros per one query or object of query shall be established by a regulation of the minister responsible for the field.

(3) The exemption from payment of a fee charged for the issue of electronic land register data is made to a person upon making a web query about himself or herself in the state portal, as well as to persons appointed by the minister responsible for the field on the basis of subsection (4) of this section for the performance of public functions. The owner of the apartment ownership is also exempted from the payment of a fee charged for electronic web query upon examining the information on the register parts of the apartment ownership in possession of other co-owners of the immovable.

(4) The minister responsible for the field shall establish by a regulation a list of legal persons governed by public law and other persons who shall be issued data free of charge for the performance of public functions provided for in the law.
[RT I, 18.12.2012, 3 - entry into force 01.01.2013]

§ 77[17]. Substitute land register

(1) If the making of entries in an electronic land register or submission of registration applications directly in the information system of an electronic land register is temporarily not possible due to technical failure of the information system, entries may be made in a substitute land register on paper and the registration application may be submitted on paper. The entries and submitted documents are transferred to the electronic land register at the earliest opportunity.

(2) The minister responsible for the field shall establish by a regulation the conditions and procedure for maintenance of the substitute land register and for the submission of the registration applications on paper.
[RT I 2010, 38, 231 - entry into force 01.01.2011]

§ 77[18]. Closure of electronic land register

(1) Reproduction of the content of a closed electronic land register shall be possible permanently.

(2) A register part shall be deemed to be closed if it is evident from the screen and printout that a closure notation has been entered in the register part.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

Chapter 11

IMPLEMENTATION OF ACT

§ 78. [Omitted from this text]

§ 79. Specifications of staff of land registry department

(1) [Repealed]

(2) [Repealed]

(3) [Repealed - RT I 2001, 93, 565 - entry into force 01.02.2002]

(4) [Repealed -RT I, 22.06.2016, 21 - entry into force 01.08.2016]

(5) Land registry secretaries shall be appointed to and released from office by the director of court on the proposal of the head of the land registry department.
[RT I 2007, 67, 413 - entry into force 28.12.2007]

§ 79[1]. Data medium

Until the establishment of a national data processing centre for land registers, the minister responsible for the field may permit the maintenance of an electronic land register by local data media which are located either at the land registry department or another state agency.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 79[2]. Enforcement of electronic land register

(1) An electronic land register replaces a land register in paper form when:
1) entries of all register parts are recorded on a data medium;
2) all the documents contained in a file are recorded on the data media prescribed therefore;
3) preservation of the recorded data and documents and the possibility to reproduce them in an unaltered form is ensured;
4) the land registry department has prepared for maintenance of an electronic land register and digital archives.

(2) Transfer to the electronic land registry file and digital archives is carried out file by file.

(3) After transfer to the electronic land registry file and digital archives access to file in paper form is not allowed.

(4) The procedure for separation from the file in paper form of the documents concerning transfer to the electronic land registry file and digital archives and the documents not needed for maintenance of the electronic land registry file, as well as the terms for the preservation of the archives in paper form shall be established by a regulation of the minister responsible for the field.
[RT I 2010, 38, 231- entry into force 01.07.2010]

§ 79[3]. Rewriting and opening of register part*ex officio*

(1) Entries of a register part maintained on paper are rewritten and if required reworded pursuant to §§ 68 and 69 of this Act.

(1[1]) Upon rewriting an amended entry, only the valid wording of the entry shall be entered in the electronic register, adding a notation to the entry concerning the rewriting and amendment of the entry.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(1[2]) If an entry is reworded in the course of rewriting, a notation concerning the rewriting and rewording shall be added to the entry.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

(1[3]) Upon deletion of an entry, only the current number and the date of closing the entry shall be transferred to the electronic land register. A deleted entry shall be transferred in full only if it is necessary for understanding valid entries.

(1[4]) Register parts which are closed shall not be rewritten. The number of the closed register part shall be indicated in a register part opened on the basis of a closed register part.

(2) A rewritten register part is closed pursuant to § 73 of this Act and preserved in the land registry department archives.

(3) The persons specified in subsection 49 (5) of this Act sign the closure notation in the current land register.

(4) The register part recorded on the data medium retains its current number.

(5) Upon opening register parts for apartment ownership and right of superficies in apartments on plots of land not entered in the land register, the land registry department shall *ex officio* open a register part for the corresponding plot of land.

(6) The minister responsible for the field shall establish the procedure for rewriting register parts.
[RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 79[4]. [Repealed - RT I 2003, 13, 64 - entry into force 01.07.2003]

§ 79[5]. Liability of state

The state is liable for damage relating to transfer to an electronic land register which arises from errors in maintenance of the land register, in automated data processing or in the data processing equipment.

§ 79[6]. Specifications of currency to be used

(1) In case of the entries to the land register made before the date determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union (hereinafter the date of the abrogation of the derogation), the sums of money shall be expressed in Estonian kroons in the land register.

(2) Upon transfer of the sums of money to the land register § 37[1] of this Act shall be applied also in the case if the application for entry is submitted to the land registry department before the date of the abrogation of the derogation but the entry is made after the date of the abrogation of the derogation.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 79[7]. Access to land register and land registry file at notary's office

Subsection 74 (4) and the second sentence of subsection 74 (6) of this Act in the part concerning access to the land register and the land registry file at notary's office and refusal to grant access to land registry file by the notary shall enter into force on 1 August 2010.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

§ 79[8]. Right of owner of apartment ownership and apartment association to examine data of register parts opened for apartment ownerships

[RT I, 05.12.2014, 3 – entry into force 03.02.2015]
The second sentence of subsection § 77[16](3) of this Act shall enter into force together with the right of the owner of the apartment ownership to examine the data of the register parts opened for apartment ownerships belonging to other co-owners of the registered immovable and the right of apartment association to examine the data of the register parts opened for apartment ownerships in the part concerned on 1 January 2018.
[RT I, 05.12.2014, 3 – entry into force 03.02.2015]

§ 79[9]. Examination of information of Land Register in office of county court
[Repealed -RT I, 09.05.2017, 1 - entry into force 01.07.2017]

§ 79[10]. Deletion of notation entered concerning administrator of state assets

The notation entered concerning the administrator of state assets shall be deleted from the land register ex officio within 90 days as of the introduction of the corresponding data service system of the state's register of immovable property.
[RT I, 28.06.2016, 1 - entry into force 01.01.2017]

§ 80. [Omitted from this text.]

§ 81. Entry into force of Act

This Act enters into force by entry into force of the Law of Property Act Implementation Act.