

REGISTERING PROPERTY QUESTIONNAIRE – «DB_rp_Survey_Economy1» www.doingbusiness.org

Dear Contributor,

We would like to thank you for your participation in the *Doing Business* project. Your expertise in the area of Registering Property in «Survey_City» is essential to the success of the *Doing Business* report, one of the flagship publications of the World Bank Group that benchmarks business regulations in 190 economies worldwide. The Registering Property indicator, which measures the quality and efficiency of land administration, is one of the 11 indicator sets published by the *Doing Business* report.

The report attracts much attention around the world. The latest edition, *Doing Business 2017: Equal Opportunity for All*, introduced improvements in the Paying Taxes and Protecting Minority Investors indicators, and included a gender component in 3 of 11 *Doing Business* indicator sets. It received over 7,000 media citations within just a week of its publication on October 25, 2016 and the report was downloaded almost 40,000 times within that same period. A record 137 economies implemented a total of 283 reforms. Low and middle income countries carried out more than 75% of these reforms, with Sub-Saharan Africa accounting for 80 of them.

Governments worldwide read the report with interest every year, and your contribution makes it possible for the *Doing Business* project to disseminate the regulatory best practices that continue to inspire their regulatory reform efforts. Since 2010, 101 economies have implemented 157 reforms making it easier to transfer property. In 2015/16, 22 economies implemented reforms such as digitizing land records, integrating electronic platforms, introducing expedited procedures and improving the reliability and transparency of the land administration system.

We are honored to be able to count on your expertise for *Doing Business 2018*. Please do the following in completing the questionnaire:

- Review the assumptions of the case study before updating last year's information in the questionnaire.
- Describe in detail any reform that has affected the process of transferring a property since June 1, 2016.
- Please pay special attention to the questions on the overall quality of the land administration systems and to the research questions at the end of the questionnaire.
- Be sure to update your name and address if necessary, so that we can mail you a complimentary copy of the report.
- Kindly return the questionnaire to dbregisteringproperty@worldbank.org.
- We thank you again for your invaluable contribution to the work of the World Bank Group.

Sincerely,

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Please e-mail me an electronic copy of the report and my certificate of appreciation, rather than mailing me a paper copy.

Referrals: Please help us expand our list of contributors by referring us to other experts in the private or public sector (lawyers, notaries, public officials or any expert in this field) who can respond to the questionnaire.

First name	Last name	Position	Firm	Address	Phone	E-mail
[]	[]	[]	[]	[]	[]	[]
[]	[]	[]	[]	[]	[]	[]

1. CASE STUDY ASSUMPTIONS

The Registering Property indicator records the full sequence of procedures necessary for a business to purchase a property from another business and to transfer the property title to the buyer's name. In addition, it measures the overall quality of the land administration systems. In order to assess the time, cost and number of procedures required to complete the process of property transfer, a specific set of assumptions needs to be considered.

1.1 Scenario

You are helping your client, a limited liability company, purchase a commercial warehouse that is registered at the «DB_rp_4.1.1 a Institution - immovable property registry» in «Survey_City». This case is a transfer of property, not the first-time registration of a property.

Assumptions	
Parties	<ul style="list-style-type: none"> The buyer and seller are local limited liability companies located in «Survey_City». They are owned by private nationals (with no foreign or state ownership) and perform general commercial activities.
Property	<ul style="list-style-type: none"> The property consists of land and a 2-story building (warehouse): the land area is 557.4 square meters (6,000 square feet), and the warehouse has a total area of 929 square meters (10,000 square feet). The value of the property is «Survey_Currency_Code» «DB_rp_PropertyValueLCUDBcurrent_LCU» (equivalent to USD «DB_rp_PropertyValueUSDDBcurrent_USD»), equal to 50 times income per capita. The property is registered in the land registry; it is free of title disputes and has no mortgages attached to it. The seller company has owned the property for the past 10 years.
Transaction	<ul style="list-style-type: none"> The seller company has accepted the buyer company's offer to purchase the property. The parties will undertake every procedure that is officially required or needed in practice to transfer the ownership of the property.

1.2 Definitions

The questionnaire divides the process for transferring a property into distinct procedures and collects information on the time and cost of completing each procedure according to the following definitions:

Definitions	
Procedures	<ul style="list-style-type: none"> A procedure is an interaction of the buyer or the seller, their agents (if an agent is legally or in practice required) with external parties, including government agencies, inspectors, notaries and lawyers. Procedures that take place simultaneously are marked with an asterisk (*).
Time	<ul style="list-style-type: none"> Time is measured in calendar days. The minimum time for a procedure is 1 day. For procedures that can be completed online in less than 1 day, the duration is noted as "Less than one day (online procedure)."
Cost	<ul style="list-style-type: none"> Cost reflects only official fees and taxes; bribes are excluded. Value added tax (VAT) and capital gains should not be included in the cost.

Please always refer to the case study assumptions and definitions when describing the property transfer process.

2. REFORM UPDATE

2.1 Has there been any administrative or legal change since June 1, 2016 affecting the process for transferring a property or the land administration system?

-Click to Select-

IF YES:

2.1.1 Please indicate the name and date of the law or regulation:	
2.1.2 Please provide the link to the law or regulation if possible:	
2.1.3 Please describe the administrative or legal change:	
2.1.4 Has this change simplified or complicated your daily work related to property transfers? Please explain:	

2.2 Last year *Doing Business* recorded the following project that was expected to have an impact on the property transfer process or the land administration system (if no information is shown here, please go to question 2.3):

Expected reforms	Is it now in place?	If yes, since when?	Is the transfer process now easier or more complex?	Please explain:
«DB_rp_Future reforms»	-Click to Select-		-Click to Select-	

2.3 Are you aware of any reform (change in practice or in laws or regulations) related to the process for transferring a property or the land administration system that is ongoing:

		Please describe
2.3.1. BEFORE June 1, 2017?	-Click to Select-	
2.3.2. AFTER June 1, 2017?	-Click to Select-	

3. LIST OF PROCEDURES FOR TRANSFERRING PROPERTY

For your convenience, last year's answers are included in this questionnaire. They represent a unified response, based on all the answers received from various contributors. Because they represent the responses from all *Doing Business* contributors in your economy, they may not match the specific answers that you or your colleagues in your firm provided last year.

Please update the data for property transfers taking into account the assumptions of the case study presented in section 1.

Please describe any change to the data in detail and indicate since when the change took effect. Please specify whether the changes you make are because of:

- A **reform** — any modification to the property transfer process (in practice or in law) after June 1, 2016;
- A **correction**— meaning that the unified answer was erroneous and did not reflect the reality in your country;
- **Other**—relating to other external factors affecting the property transfer process.

3.1 Data Update

Procedure «DB_rp_DBRPProcList_PROCEDURE_NUMBER_coun»	«DB_rp_DBRPProcList_Procedure_Name_counte»		
Cost	Cost last year: «DB_rp_DBRPProcList_Cost_web_counter»		
	Cost update:		
Time	Time last year: «DB_rp_DBRPProcList_Duration_web_counter»		
	Time update:		
Online procedure	Can it be completed online? «DB_rp_DBRPProcList_Can this procedure be»	If yes, since when? «DB_rp_DBRPProcList_If Yes since when?_co»	Website: «DB_rp_DBRPProcList_Link to the procedure»
	Update: -Click to Select-	Update:	Link update:
Agency	Agency last year: «DB_rp_DBRPProcList_ProcedureAgency_count»		
	Agency update:		
Procedure details:	Details: «DB_rp_DBRPProcList_Procedure_Details_cou»		
	Your comments:		
If you made changes to last year's information, what is it due to? -Click to Select-			
Please explain the change(s) and provide the legal basis when applicable:			

3.2 Additional procedures in the process for transferring property

Please provide details below on any new or existing procedures that are not included in the list above. **In case there is no additional procedure to be added, please proceed to the next section.**

Procedure			
Name:			
Cost:			
Time:			
Online procedure	Can this procedure be done online? -Click to Select-	If Yes, since when?	Please provide the link to the website:
Agency:			
Procedure details:			
If you made changes to last year's information, what is it due to? -Click to Select-			
Please explain the changes and provide the legal basis when applicable:			
Please indicate the sequence of this new procedure (for example: between procedures 2 and 3) or describe when it takes place:			
Can this procedure take place simultaneously with another procedure? If so, which one(s)?			

3.3 Please verify the time required for all procedures to transfer property until it becomes opposable to third parties in «Survey_City»:

Question	Answer
Last year , the overall time to transfer a warehouse between two limited liability companies in « Survey_City »– including all the procedures required before, during and after registration - was estimated at:	«DB_rp_Duration(days)-Dbcurrent» days
This year , based on your experience and using the case study assumptions explained in Section 1, what is the overall time for a business to purchase a property from another business and to transfer the property title to the buyer's name?	days
Based on your experience and the same case study assumptions, what can be the fastest time in practice to transfer a property between two limited liability companies?	days
Based on your experience and the same case study assumptions, what can be the slowest time in practice to transfer a property between two limited liability companies?	days
If there is a difference in time, what is the main reason behind it?	

4. QUALITY OF LAND ADMINISTRATION INDEX

This section is dedicated to the Quality of Land Administration Index, which evaluates 4 main areas: the overall reliability of infrastructure; transparency of information; geographic coverage; and land dispute resolution mechanisms in place. When answering the questions below, kindly disregard the case study assumptions (section 1).

For your convenience, a summary of the responses provided last year to the same questions is included. Because they represent the responses received from all *Doing Business* contributors in your economy, they may not match the specific answers that you or colleagues in your firm provided last year.

If any of your answers are the result of a reform that came into effect after June 1, 2016 please mention it in the sections for changes comparing to the last year. Furthermore, when answering the questions below kindly indicate the name, reference and date of publication of the relevant law, when applicable.

4.1 RELIABILITY OF INFRASTRUCTURE INDEX

4.1.1 Immovable property registration system

	Last Year	This Year	Comments
a) What is the name of the institution in charge of immovable property registration in «Survey_City»?	«DB_rp_4.1.1 a Institution - immovable property registry»		
b) Is the majority of title/deed records in «Survey_City» held in a paper format or in a computerized format? If they are computerized, are they scanned documents or fully digital documents? <i>(A scanned document is an image of a document, kept in electronic format or microfilm, whose content cannot be used in searches and it is not extractable. Fully digital documents are those that have information input into fields, with content that is searchable and extractable).</i>	«DB_rp_4.1.1 b Records paper- scanned-digital»	-Click to Select-	
c) Is there an electronic database for checking for encumbrances (liens, mortgages, restrictions, etc.)?	«DB_rp_4.1.1 c Electronic database for encumbrances»	-Click to Select-	

4.1.2 Cadastral/Mapping system

	Last Year	This Year	Comments
a) What is the name of the institution in charge of the plans showing legal boundaries in «Survey_City» (cadastre, parcel index, etc.)	«DB_rp_4.1.2 a Institution cadastral - mapping systems»		
b) Is the majority of plans in «Survey_City» held in a paper format or in a computerized format? If they are computerized, are they scanned documents or fully digital documents?	«DB_rp_4.1.2 b Records paper- scanned-digital»	-Click to Select-	
c) Is there an electronic database for recording boundaries, checking plans and providing cadastral information (Geographic Information System)?	«DB_rp_4.1.2 c Electronic database with cadastral info»	-Click to Select-	

4.1.3 Interconnection

	Last Year	This Year	Comments
a) Is the information recorded by the immovable property registration agency and the mapping agency kept in a single database, different but linked databases, or separate databases?	«DB_rp_4.1.3 a Databases single- linked-seperate»	-Click to Select-	
b) Do the immovable property registration agency and cadastral/mapping agency use the same identification number for properties?	«DB_rp_4.1.3 b Unified ID for property»	-Click to Select-	

	This Year	If yes, please explain:
Since June 1, 2016, has there been any change in the areas above?	-Click to Select-	

4.2 TRANSPARENCY OF INFORMATION INDEX

4.2.1 Immovable property registration system

	Last Year	This Year	Comments
a) Who is able to obtain information on land ownership at the agency in charge of immovable property registration in «Survey_City»?	«DB_rp_4.2.1 a Who can consult immovable property registry»	-Click to Select-	
b) Is the list of documents that are required to complete any type of property transaction made publicly available?	«DB_rp_4.2.1 b Public availability of documents COMBINED»	-Click to Select-	
If online, please provide the link:	«DB_rp_4.2.1 b YES ONLINE Public availability of documents»		
c) Is the applicable fee schedule for any property transaction at the agency in charge of immovable property registration in «Survey_City» made publicly available?	«DB_rp_4.2.1 c Fee schedule is publicly available COMBINED»	-Click to Select-	
If online, please provide the link:	«DB_rp_4.2.1 c YES ONLINE Fee schedule is publicly available»		
d) Does the agency in charge of immovable property registration agency commit to deliver a legally binding document that proves property ownership within a specific deadline (service standards- e.g. 5 working days to deliver a new title)?	«DB_rp_4.2.1 d Service standards COMBINED»	-Click to Select-	
If online, please provide the link:	«DB_rp_4.2.1 d YES ONLINE Service standards»		
e) Is there a specific and independent mechanism for filing complaints about a problem that occurred at the agency in charge of immovable property registration through a telephone hotline, a mailing address, e-mail or other means?	«DB_rp_4.2.1 e Complaints mechanism is available»	-Click to Select-	
If yes, please provide the contact information:	«DB_rp_4.2.1 e Contact info»		
f) Are there official statistics tracking the number of transactions at the immovable property registration agency?	«DB_rp_4.2.1 f Official statistic is available»	-Click to Select-	
If yes, are they made available to the public?	«DB_rp_4.2.1 f Official statistics is public»	-Click to Select-	
What is the source of these statistics?	«DB_rp_4.2.1 f Source of official statistics»		
What is the total number of property transfers in «Survey_City» that took place in 2016?			

4.2.2 Cadastral/Mapping system

	Last Year	This Year	Comments
a) Who is able to consult plans in «Survey_City»?	«DB_rp_4.2.2 a Consulting	-Click to Select-	

	cadastral maps»		
b) Is the applicable fee schedule to get access to plans made publicly available?	«DB_rp_4.2.2 b Fee schedule for maps COMBINED»	-Click to Select-	
If online, please provide the link:	«DB_rp_4.2.2 b YES ONLINE Fee schedule for maps»		
c) Does the cadastral/mapping agency commit to deliver an updated plan within a specific deadline (service standards- e.g. 5 working days to update the plan)?	«DB_rp_4.2.2 c Service delivery standards COMBINED»	-Click to Select-	
If online, please provide the link:	«DB_rp_4.2.2 c YES ONLINE Service delivery standards»		
d) Is there a specific and independent mechanism for filing complaints about a problem that occurred at the agency in charge of cadastral plans through a telephone hotline, a mailing address, e-mail or other means?	«DB_rp_4.2.2 d Complaints mechanism is available»	-Click to Select-	
If yes, please provide the contact information:	«DB_rp_4.2.2 d Contact info»		

	This Year	If yes, please explain:
Since June 1, 2016, has there been any change in the areas above?	-Click to Select-	

4.3 GEOGRAPHIC COVERAGE INDEX

4.3.1 Immovable property registration system

	Last Year	This Year	If not, what percentage of land is registered?	What are the main reasons for the registry not being complete?
a) Is every privately held land plot in «Survey_City» formally registered at the immovable property registry?	«DB_rp_4.3.1 b Land registration city»	-Click to Select-		
b) Is every privately held land plot in the economy («DB_rp_Survey_Economy_FullName1») formally registered at the immovable property registry?	«DB_rp_4.3.1 a Land registration country»	-Click to Select-		

4.3.2 Cadastral/mapping system

	Last Year	This Year	If not, what percentage of land mass is mapped?	What are the main reasons for the mapping not being complete?
a) Is every privately held land plot in «Survey_City» mapped?	«DB_rp_4.3.2 b Land mapping city»	-Click to Select-		
b) Is every privately held land plot in the economy («DB_rp_Survey_Economy_FullName1») mapped?	«DB_rp_4.3.2 a Land mapping country»	-Click to Select-		

	This Year	If yes, please explain:
Since June 1, 2016, has there been any change in the areas above?	-Click to Select-	

4.4 LAND DISPUTES RESOLUTION INDEX

4.4.1 Legal background

	Last Year	This Year	Comments
a) Does the law require that all property sale transactions be registered at the land registry to make them opposable to third parties?	«DB_rp_4.4.1 a Requirement to register property sale transactions»	-Click to Select-	
If yes, please specify the legal basis:	«DB_rp_4.4.1 a Legal basis»		
b) Is the system of immovable property registration subject to a guarantee?	«DB_rp_4.4.1 b Property registration is guaranteed»	-Click to Select-	
If yes, what is the type of guarantee?	«DB_rp_4.4.1 b Type of guarantee»	-Click to Select-	
Please specify the legal basis:	«DB_rp_4.4.1 b Legal basis»		
c) Is there any compensation mechanism to cover for losses incurred by parties who engaged in good faith in a property transaction based on erroneous information certified by the land registry?	«DB_rp_4.4.1 c Compensation mechanism is in place»	-Click to Select-	
If yes, what kind of compensation is provided in this case?	«DB_rp_4.4.1 c Type of compensation»		
Please specify the legal basis:	«DB_rp_4.4.1 c Legal basis»		
d) Does the legal system require a control of legality of the documents necessary for a property transaction (e.g. checking of contracts compliance with law requirements)?	«DB_rp_4.4.1 d Legality control requirement»	-Click to Select-	
If yes, who is held responsible for verifying the contract compliance?	«DB_rp_WEB 4.4.1 d Responsible for legality check»	<input type="checkbox"/> Registrar <input type="checkbox"/> Notary <input type="checkbox"/> Lawyer <input type="checkbox"/> Interested parties <input type="checkbox"/> No one <input type="checkbox"/> Other	
Please specify the legal basis:	«DB_rp_4.4.1 d Legal basis»		
e) Does the legal system require a verification of the identities who are parties to a property transaction?	«DB_rp_4.4.1 e Responsible for ID verification COMBINED»	-Click to Select-	
If yes, who is held responsible for verifying the identity of the parties to a property transfer?	«DB_rp_WEB 4.4.1 e Responsible for ID verification»	<input type="checkbox"/> Registrar <input type="checkbox"/> Notary <input type="checkbox"/> Lawyer <input type="checkbox"/> Interested parties <input type="checkbox"/> No one <input type="checkbox"/> Other	
Please specify the legal basis:	«DB_rp_4.4.1 e Legal basis»		
f) Is there a national database to verify the accuracy of identity documents?	«DB_rp_4.4.1 f National ID database»	-Click to Select-	

4.4.2 Formal land dispute resolution mechanisms

	Last Year	This Year	Comments
a) In case of a standard land dispute between two local businesses over tenure rights of a property worth «Survey_Currency_Code» «DB_rp_PropertyValueLCUDBcurrent_LCU»	«DB_rp_4.4.2 a Type of court»		

located in «Survey_City», what is the court in charge of the case in first instance?			
How long does it take on average to obtain a decision from the first instance court for such a case (without appeal)?	«DB_rp_4.4.2 b Duration of land disputes»	-Click to Select-	
b) Are there any statistics on the number of land disputes in the first instance?	«DB_rp_4.4.2 c Statistic on land disputes is available»	-Click to Select-	
If yes, what is the number of land disputes in 2016 and/or the land dispute rate (i.e. the percentage of land disputes out of the total number of disputes in the first instance)?	«DB_rp_4.4.2 c) Statistics on land dispute (number or percentage)»		
What is the source of these statistics?	«DB_rp_4.4.2 c Source of statistics»		

	This Year	If yes, please explain:
Since June 1, 2016, has there been any change in the areas above?	-Click to Select-	

5. Equal access to property rights index

When assessing if the law recognizes equal ownership rights over the property, please consider the capacity to own, use and administer it. Assume the individuals are married and under the default marital property regime or the most commonly used system.

	Last Year	This Year	Comments
a) Do unmarried men and unmarried women have equal ownership rights to property?	«DB_rp_5.a Unmarried women property rights»	-Click to Select-	
Please specify the legal basis:	«DB_rp_5.a Please provide the legal basis»		
b) Do married men and married women have equal ownership rights to property?	«DB_rp_5.b Married women property rights»	-Click to Select-	
Please specify the legal basis:	«DB_rp_5.b Please provide the legal basis»		

6. RESEARCH QUESTIONS

This section focuses on research topics related to the Registering Property indicator that will be used to promote deeper research in the field of property rights by the *Doing Business* team. The purpose of land records is to provide interested parties with up to date and authoritative information on all rights, encumbrances, liens, and charges pertaining to a particular piece of land. Failure to synchronize information between different institutions will prevent this, thus reducing the value of records, increasing the transaction cost of land transfers, and creating potential opportunities for insecurity, fraud and potential conflict. When answering the questions below, please disregard the case study assumptions presented in Section 1.

6.1 Land Registry record keeping

	Response	What is the legal basis?	Comments
a) Is the registration of mortgages required by law?	-Click to Select-		

6.1.2 Which of the following encumbrances are recorded in the Land Registry. Can they be accessed by interested parties?

	Encumbrances registration	Available to interested parties	If there is any status change, how many days does it normally take to update the new information (indicate 0 for automatic online update)?	Comments
a) Civil disputes that affect a registered property	-Click to Select-	-Click to Select-		
b) Mortgages secured against a property	-Click to Select-	-Click to Select-		
c) Public encumbrances (e.g. acquisition notice)	-Click to Select-	-Click to Select-		
d) Registered long term leases	-Click to Select-	-Click to Select-		

6.2 Geographic coverage of State Owned Land

	Response	If not, what percentage of land is registered/mapped?
a) Is more than 90% of State Owned Land in «DB_rp_Survey_Economy_FullName1» formally registered at the immovable property registry?	-Click to Select-	
b) Is more than 90% of State Owned Land in «DB_rp_Survey_Economy_FullName1» mapped?	-Click to Select-	
c) Are the boundaries in the maps of the mapping agency updated according to the ownership records?	-Click to Select-	

6.3 State Owned Land database

	Response	Comments
a) Are cadastral maps indicating the location of State Owned Land publicly accessible? If online, please provide the link:	-Click to Select-	
b) Are cadastral records used by local governments for tax planning?	-Click to Select-	

6.4 Private sector use of State Owned Land

	Response	What is the legal basis?	Comments
a) If alienable State Owned Land is transferred for private use, does it have to be awarded through a public tender?	-Click to Select-		
b) Are contractual obligations included in State Owned Land transfer for private use made public?	-Click to Select-		
c) Are contractual obligations of those receiving public land for private use monitored through a third party evaluation?	-Click to Select-		

6.5 Public use of private land

This section measures the due process in place to compensate parties affected by compulsory land acquisition by the government for the provision of public goods or the public interest as defined by country level policies and laws.

	Response	What is the legal basis?	Comments
a) Can privately held land be taken by the government before compensation is paid in full?	-Click to Select-		

Thank you very much for completing the Registering Property questionnaire!

We sincerely appreciate your contribution to the *Doing Business* project.

The results will appear in *Doing Business 2018* and on our website: www.doingbusiness.org.

Your work will be gratefully acknowledged in both, if you wish.