

# A reference model for a general legislative framework

---



**Budapest**  
**November 2010**

**Nicolai Meier**  
Gen. Legal Counsel  
[ntma@orbicon.dk](mailto:ntma@orbicon.dk)

1

© 2010 ORBICON LEIF HANSEN

# A reference model for a general legislative framework

---



- 1. The existing legal framework ;**
- 2. Land Bank and Land Consolidation;**
  - Voluntary approach;**
  - Integrated approach**
  - Expropriation**
- 3. The organisation**

2

© 2010 ORBICON LEIF HANSEN

## A reference model for a general legislative framework

---



### Legal and Institutional Framework to be considered

1. Right to property (protection of)
2. Civil contract law
3. Land use laws (change of use/zoning)
4. Land registration/cadastral laws
5. Land taxation laws
  - Transactions fees and taxes
7. Laws/institutions governing the resolution of land related disputes
8. Local government laws (land-related)
9. Land acquisition laws
  - expropriative measures/compensation

3

© 2010 ORBICON LEIF HANSEN

## A reference model for a general legislative framework

---



### **Possible weaknesses of Legal and institutional Framework**

#### Existing difficulties in transferring land

- High transactions costs
- Formal/informal transactions
- Update of cadastre etc.
- Absentee ownership
- Inheritance law
- Land tenure laws (Ownership/Lease etc.)

4

© 2010 ORBICON LEIF HANSEN

## A reference model for a general legislative framework



Private initiative      Public initiative  
Not land related      Full area coverage

### The more to the right side:

- The more need for ekspropriation
- The more conflict potential

### The more need for land consolidation

- To re-organise land
- To resolve conflicts

### The more need for public land

- For compensation

6

© 2010 ORBICON | LEIF HANSEN

## A reference model for a general legislative framework



### Land Bank and Land Consolidation

#### Simple type land consolidation

- The simple transaction of exchange of land between the farmers with the main purpose of improving the layout of their farms (restructuring).
- The initiative comes from the farmers.
- Incentive for the landowners: Should not involve any financial costs – except when a farmer buys more land and increases farm size instead of just exchanging equal plots of land.
- Participation is voluntary.

#### Role of the Land Bank

- Support land consolidation through land mobility
- Secure and support environmental issues/projects
- Secure efficient use of the land

6

© 2010 ORBICON | LEIF HANSEN

## A reference model for a general legislative framework

---



### **The integrated land consolidation**

-a versatile tool to carry out large "land consuming" projects covering infrastructure, nature restoration and possibly village development.

### **Role of the Land Bank**

- Land is bought on normal market conditions
- An essential precondition for reaching agreement,
- Reduce "structural damage"

7

© 2010 ORBICON LEIF HANSEN

## A reference model for a general legislative framework

---



### **Land Consolidation in expropriation:**

- there is a need for full coverage within the project area or parts here of.
- public or project financing is a precondition for complementary investments
- land consolidation principles are applied to accommodate local wishes and to create the physical space needed for the project

### **The role of the Land Bank:**

- support implementation
- reduce structural damage
- better steering of land use

8

© 2010 ORBICON LEIF HANSEN

## A reference model for a general legislative framework



### Organisation:

- **Definition of tasks of the different authorities and stakeholders involved.**
- **A Government Lead Agency**  
responsible for developing and maintaining legislation and overall implementation.
- **Land Consolidation Commission**  
The implementing body. These commissions traditionally have the power to settle different matters in co-operation with e.g. the municipalities and ensures the legality of LC by giving the agreements legal effect by a ruling.
- **The Participants Assembly**  
The democratic process:  
Elected by and amongst the participants and shall convey the wishes and expectations between the authorities and the landowners and vice versa

9

© 2010 ORBICON | LEIF HANSEN

## Example: The Danish Land Fund Rødding Lake (preliminary investigation)



10

© 2010 ORBICON | LEIF HANSEN

## Rødning Lake – Plan 2 (after LC)



© 2010 ORBICON | LEIF HANSEN

## Rødning Lake (the lake.....)



© 2010 ORBICON | LEIF HANSEN

## Wetland project Vilsted Lake



Northern part of Denmark,  
outflow in Denmark's  
largest fiord

Preliminary investigation  
from July 2001 to April  
2002

1. Land consolidation:  
31.10.02 – 01.10.03

2. Land consolidation:  
28.10.03 – 01.10.04

3. Land consolidation:  
16.11.04 – 01.12.05

Opening:  
26. August 2006

Ret denne tekst under fanebladet Indsæt vælg Sidehoved og sidefod

9. februar 2011 13

© 2010 ORBICON LEIF HANSEN

## Vilsted Lake

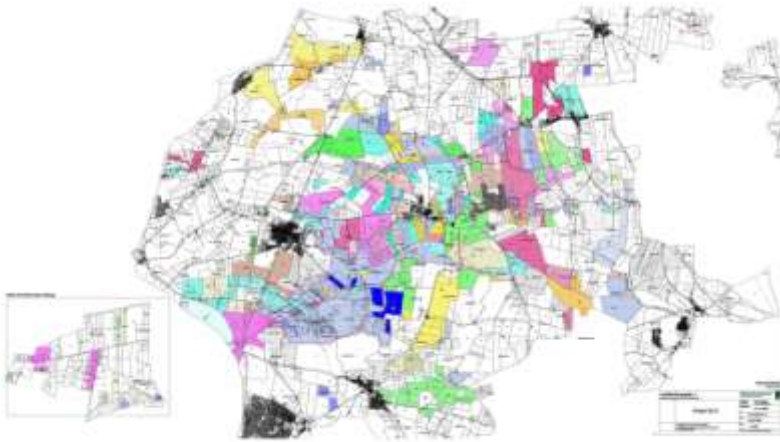


Ret denne tekst under fanebladet Indsæt vælg Sidehoved og sidefod

9. februar 2011 14

© 2010 ORBICON LEIF HANSEN

## Vilsted Lake, section III, Plan 1

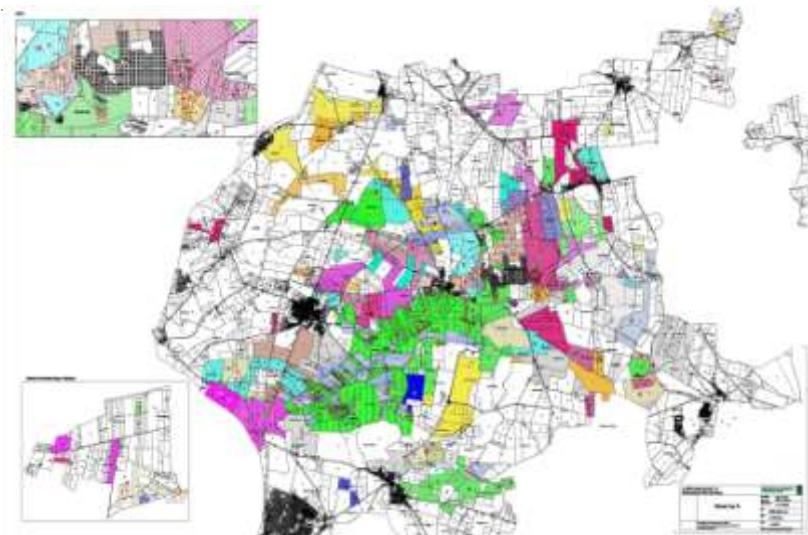


Ret denne tekst under fanebladet Indsæt vælg Sidehoved og sidefod

9. februar 2011 15

© 2010 RBICON | LEFHANSEN

## Vilsted Lake, section 3, plan 2



Ret denne tekst under fanebladet Indsæt vælg Sidehoved og sidefod

9. februar 2011 16

© 2010 RBICON | LEFHANSEN



## Vilsted Lake



Cattle farm  
submits 27,7ha      receives 28,9ha



### Alteration of farm type

Before: Typical cattle farm with meadows for grazing

After: All round farm (diversification)

Ret denne tekst under fanebladet Indsæt vælg Sidehoved og sidefod

9. februar 2011 17

© 2010 ORBICON LEIF HANSEN

## The Lake.....



Ret denne tekst under fanebladet Indsæt vælg Sidehoved og sidefod

9. februar 2011 18

© 2010 ORBICON LEIF HANSEN