

THE ISSUE OF THE LEGAL AND SURVEYING DIVISION OF AGRICULTURAL LAND ON SELECTED EXAMPLES IN POLAND AND ON THE INTERNATIONAL STAGE

Agnieszka Cienciała, Ph.D.

Department of Geomatics
Chair of Geotechnics, Geomatics and Waste Economy
Faculty of Environmental, Geomatic and Energy Engineering
Kielce University of Technology
Kielce, Poland
e-mail: acienciala@tu.kielce.pl

Abstract

An interesting issue concerning real estate management is the subject of legal and surveying division of agricultural real estates. According to the Polish legal provisions agricultural properties are properties that are or may be used to keep production activities in agriculture in terms of plant and animal production, including horticultural, orchard and fish production, with the exception of real estates designed in the local spatial development plan for purposes other than agricultural. They can be subject to turnover being a matter of transfer, inheritance and acquisition. This may occur as a result of a legal act, a court decision, or a decision of a public administration body, as well as other legal event, eg. usucaption. They can also be subject to one of the real estate management procedures, including the surveying division of property. In Poland subdivision of agricultural properties is nowadays regulated mainly in the Act of 23 April 1964 on the Civil Code, but there are also cases when the Real Estates Management Act of 21 August 1997 is applied. However, some changes of the regulations concerning the surveying subdivision of real estates in administrative proceedings are going to be introduced and the question is how they will affect the division of agricultural realties.

A more difficult issue is the matter of the legal division of an agricultural property. In connection with the rules of shaping the agrarian system in Poland aimed at, among other things, the improvement of the structure of farms, or the counteraction of excessive concentration of agricultural properties in Poland, the regulations governing the acquisition of agricultural property have recently been sharpened. They raise a number of interpretation questions and result in complications and restrictions on trade in agricultural properties and a decline in prices.

The current difficulties in agricultural real estate turnover in Poland influenced the subject matter of this publication motivating the author to investigate the situation and the rules being in force in other countries around the world and to identify practices in this regard in the international arena. The question is whether the statutory assumptions are correct and what might improve the procedures. Moreover, for the purposes of this publication, the problems of real estate management in Poland and other countries were investigated and the selected principles of surveying and legal partition of real estates were shown.

Key words: *real estate management, subdivision, agricultural real estates, real estate turnover*

Introduction

Property management and cadastre constitute very important and dynamically changing fields. The changes include technical, procedural and legal aspects and they result from an attempt to solve current problems in these fields in the world and in Poland [SOBOLEWSKA-MIKULSKA, 2014]. Legal issues related to the management shall be governed by national rules, adapted to the European directives and treaties [BIEDA et al, 2014]. An interesting issue compared to other problems related to property management is the issue of agricultural property management.

According to Polish legal nomenclature, agricultural properties are properties which are or may be used to carry out manufacturing activities in agriculture in terms of plant and animal production, including horticultural, orchard and fish production, except for properties designated in the spatial development plan for non-agricultural purposes. They play a significant role in the socio-economic development in Poland (Fig. 1), where they occupy a considerable area of the country - 59,6% (18621 thousand ha), as well as in many other countries in the world.

In 2015 the Polish Central Statistical Office (GUS) conducted research aimed at collecting information on the use of land and sown area in Poland. The results of the research demonstrate that as on 1 June 2015 farms occupied 16,3 mln ha of land of the total area of the country amounting to about 31,3 mln ha, whereas the area of agricultural land in farms amounted to 14,5 mln ha (about 89 % of the total area of farms). The investigation on the structure of farms, conducted in 2013 according to the obligation of the regulation of the European Parliament and the Council of Europe (EC) no. 1166/2008 of 19 November 2008, showed the existing trends and directions of changes taking place in Polish agriculture caused by the realisation of Common Agricultural Policy as well as economic changes in world and domestic agriculture [the Polish Central Statistical Office (GUS), 2013]. The processes of modernisation and specialisation of farms are increasingly noticeable, particularly in areas with good production conditions, whereas the liquidation of unprofitable small farms is also becoming common. Moreover, the tendency for the reduction of the number of farms and the simultaneous increase in their average total area can be observed with south-eastern voivodeships being characterised by a large number of small farms and the largest farms being located in northern voivodeships. On the other hand, comparing the area of farms in previous years, the tendency for the reduction of the total area of land used by farms can be observed. In addition, the development of rural non-agricultural activities causes that rural areas have started to realize the idea of multifunctional and sustainable development simultaneously having regard for improving the efficiency and profitability of agricultural holdings, retaining the natural and landscape values of the villages and investing in technical infrastructure [SOBOLEWSKA-MIKULSKA, 2015].



Fig. 1. Agricultural land in Poland (on the left) and in Italy (on the right).

Agricultural properties can be subject to turnover, that is, acquisition, transfer, inheritance etc. as a result of a legal act or a decision of a court or a public administration body as well as another legal event. They can also be subject to one of the processes of property management including, among other things, the surveying division of property. The applicable rules concerning both the legal division of property involving changes in respect of the right of ownership and the surveying division as the physical allocation of a newly planned plot from the original cadastral plot are described below in details.

Surveying division of agricultural properties in Poland

According to the regulations currently in force in Poland, the local spatial development plan is a document constituting a source of information on land use function comprising lines demarcating areas of different land use function or management rules, including the scope of area designated for agricultural purposes. It often regulates requirements concerning the shape of boundaries and the minimum area of

a newly planned plot which must be fulfilled by the licensed surveyor performing land subdivision in the area included in the plan. The principle is that in the case of the lack of the local plan, property registered in the cadastre as agricultural land as well as surface mining land in use, wasteland and roads included in it are considered property used for agricultural purposes unless land development and management conditions have been established for them.

The provisions of the Real Estate Management Act of 21 August 1997 regulating currently the majority of land subdivisions in Poland are not applied to the division of property designated for agricultural purposes in local plans and, in the case of the lack of the local plan, to property used for agricultural purposes. The division of such property is regulated by the Act of 23 April 1964 - the Civil Code and it is, in that case, the result of activities related to the preparation of relevant geodetic and cartographic documentation and the disclosure of changes in the cadastre. Then the allocation of plots of land of the area not smaller than 0.3000 ha is required although the rightness of the rule is frequently discussed in literature on the subject and various authors wonder if this restriction is appropriate and whether this value should not be established at a higher or lower level and, if so, at what level. The configuration and number of newly allocated plots depend on the will of the property owner. According to KIL, PODCIBORSKI (2011) performing such subdivision frequently causes deterioration in the state of spatial order and spatial changes, usually irreversible. On the other hand, according to the above mentioned Authors, during the creation of spatial order of non-urbanised areas, the principles of sustainable development, creating spatial arrangements increasing the efficiency of plant production as well as preserving the appropriate state of the natural environment, among other things, should be borne in mind.

What is more, GNIEWEK (2013) thinks that the subdivision of agricultural property is unconditionally possible even when (some) individual allocated plots do not have an access to a public road (contrary to the norm of Article 93, Paragraph 3), which is a consequence of the general exclusion of the provisions of the Real Estate Management Act in these cases. The Author emphasises that the rightness of such a solution is a debatable issue when the legal division leading to the transfer of ownership of newly formed property deprived of an access to a public road follows the surveying division and in the case of the lack of appropriate contractual arrangements, the possibility to claim the establishment of the easement of access remains (Article 145 of the Civil Code).

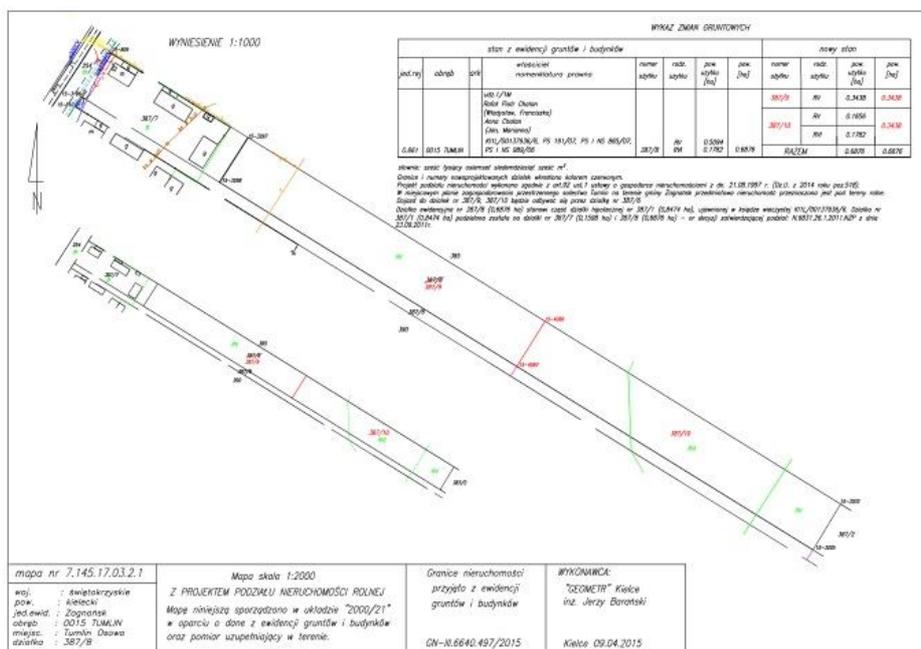


Fig. 2. Exemplary polish map with the project of the division of agricultural property.

There are exceptions to the legitimacy of applying the provisions of the Real Estate Management Act of 21 August 1997 [ACT 1997] concerning administrative procedures related to divisions as well as the principle of their applicability to agricultural property division. An example of this is the case of the necessity of allocating new roads not being indispensable access roads to properties included in farms or the necessity of allocating land of the area smaller than 0.3000 ha (Article 92 of the ACT 1997) or some cases of divisions occurring in practice specified in Article 95 of the ACT 1997 which can be performed regardless of the findings of the local spatial development plan. Furthermore, the ACT 1997 allows for the

possibility of allocating a plot of land of the area smaller than 0.3000 ha on condition, however, that the plot will be designated for enlarging an adjacent property or the regulation of boundaries between neighbouring properties will be performed (Article 93, Paragraph 2a of the ACT 1997). Then there is a need to transfer the rights to allocated plots of land within no more than 6 months from the day on which the decision approving property division becomes final. The date is specified in such cases in the decision approving property division.

It should be noted that currently the changes to the regulations governing the administrative procedure for subdividing properties are underway, and the direction of the changes is unknown if the subject matter concerns agricultural real estates. The second, next to the administrative procedure in force in Poland, is the division in the court proceedings when the Court decides on division by way of ruling. It concerns situations when there is a need in court proceedings to perform the physical division of property, for instance, for the purposes of the judicial dissolution of co-ownership, inheritance division or the division of marital property. The physical division of the subject of co-ownership is the basic manner of the dissolution of co-ownership. As a rule, when the court decides on the manner of the dissolution of co-ownership, it should take into consideration, first of all, this manner of leaving the co-ownership unless the co-owners unanimously demand granting the item to one of them or the sale of the item or if the division was contrary to the provisions of the act or the socio-economic purpose of the right, or the division would involve a significant change of the item or a considerable decrease in its value, which is always subject to arrangement in the particular circumstances of the case (the decision of the Supreme Court of 18 March 2015, File No. I CSK 286/14). The physical division of the shared item cannot be performed if it is contrary to the provisions of the act or the socio-economic purpose of the item or it would involve a significant change of the item or a considerable decrease in its value. The assessment whether a potential division is in conformity with the principles of sound agricultural management is performed by the judicial expert in the prepared opinion (Article 619 Paragraph 2 of the ACT 1964a).

Activities associated with preparing appropriate surveying and mapping documentation - the map for legal purposes including the project of the division of agricultural property (Fig. 2), are an essential stage of the surveying division of property designated or used for agricultural purposes. The content of the map and information used for its elaboration were specified in details in the Regulation of 9 November 2011 on Technical Standards for Performing Topographic Surveys, and the Preparation and Delivery of These Surveys Results to the National Land Surveying and Mapping Database. The survey report being the result of the licensed surveyor's work is subject to verification in the competent surveying and mapping resource centre and then to the acceptance to the national land surveying and mapping database. It precedes the disclosure of changes in the cadastre.

Legal division in Poland

On the other hand, when analysing the subject of the legal division of property, it should be emphasised that changes in the Act of 11 April 2003 on structuring the agrarian system as well as the laborated Act of 14 April 2016 on the suspension of the sale of property from the agricultural property stock of the State Treasury (APSST) and amendment to certain acts which came into force on 30 April 2016, caused the tightening of the rules of acquiring agricultural properties in Poland and, by extension, complications and restrictions in their turnover. The changes are even more significant because so far no restrictions preventing the fragmentation of agricultural properties have been stipulated. The exception is the judicial dissolution of the co-ownership of a farm in the case of which it was necessary to grant the farm to one of the co-owners or to order the sale of the farm if the dissolution of co-ownership through the division between the co-owners would be contrary to the principles of sound agricultural management. The newest changes in the provisions introduced the principle that the acquirer of agricultural property can be, with few exceptions, only an individual farmer possessing a farm, agricultural qualifications and residing in the commune for five years. The area of the acquired agricultural property, however, together with the area of the agricultural properties included in the acquirer's family farm cannot exceed the area of 300 ha of cultivated land. There are exceptions to this rule which concern, inter alia, the situation of acquiring agricultural property by the transferor's relative, a local government unit, the State Treasury or the Agricultural Property Agency acting for it, legal persons operating under the provisions on the relation of the State to the Catholic Church in the Republic of Poland, on the relation of the State to other churches and religious associations as well as on the guarantees of freedom of conscience and religion (eg. donations to the Church or a religious association from a physical person), or as a result of inheritance and the specific bequest. Another exception is the regulation of legal status resulting from erecting a building on someone else's land (Article 231 of the Civil Code) or crossing boundaries when erecting a building pursuant to Article 151 of the Civil Code). In other cases, the acquisition of property may take place only with the consent of the President of the Agricultural

Property Agency, expressed by an administrative decision, on condition that the transferor proves that there was no other possibility of acquiring property by the above-mentioned entities, while the acquirer gives guarantee of running an agricultural activity properly, and that the acquisition will not lead to the excessive concentration of agricultural lands. Furthermore, the acquirer of property is obliged to run a farm including the acquired agricultural property for the period of at least ten years from the day of acquiring the property by them and additionally in the case of a physical person to run a farm in person. The property acquired cannot be transferred or delivered to other entities unless the court consents to that at the request of the acquirer. The provisions of the above mentioned Act are not, however, applied to lands which on the day of the Act coming into force constituted built-up agricultural lands of the area not exceeding 0.5000 ha and were occupied by residential buildings as well as buildings, structures and devices not being used for agricultural production at the moment, together with adjacent lands enabling their proper use as well as agricultural lands used for making home gardens after fulfilling specific conditions and agricultural properties which are designated for non-agricultural purposes in final decisions on land development conditions. Moreover, in the case of selling agricultural property, its leaseholder is entitled to the right of pre-emption under the Act if the agreement was made in writing and performed for the period of at least three years and the purchased property is included in the leaseholder's family farm. It should be mentioned that from 30 April 2016 as a result of the Act of 14 April 2016 on the suspension of the sale of property from the agricultural property stock of the State Treasury and on amendments to some acts coming into effect, legal restrictions concerning the turnover of agricultural lands of the State Treasury are in effect in Poland as well.

According to BUDZYŃSKI (2016), the significant restriction of the turnover of agricultural properties being the result of the amendment to the Act of 11 April 2003 on structuring the agrarian system coming into force is supposed to be a way to counteract the concentration of land in the hands of a small, rich group of people. According to the above mentioned Author, the implemented solutions will cause the significant restriction of the turnover of agricultural properties, especially for speculative purposes and will result in a decrease in the number of transactions as well as a decline in the prices of agricultural properties. BYDZYŃSKI (2016) gives also the example of France where the restrictively regulated market of agricultural properties caused their underpricing.

Situation in the international arena

There are countries where agriculture constitutes an important branch of the national economy. Kenya, for example, with an agricultural-based economy has majority of the population (over 80%) deriving their livelihood from agriculture. As the land resource has continued to play a significant role in the socio-economic and political development, its ownership, allocation, distribution and utilisation is of great concern to most Kenyans [NJUGUNA, BAYA, 2004]. In Pakistan, about 70% people in rural areas depend on agriculture for their livelihood. Being the major economic activity, it employs 45% of the country's labour force [ASHRAF, IMRAN et al., 2015]. In the Russian Federation the total agricultural land area was estimated at 386.1 million hectares in 2012 (22.8 % of the total Russian Federation area). On a constant area of the territory of the Russian Federation, the total area of agricultural land in the country decreased in 2012 compared to 2011 by 2.9 million hectares or 8% [SAGAYDAK, SAGAYDAK, 2014].

According to the literature, protecting agricultural land should be the highest priority to sustain agriculture and to secure enough food. Analysing the issues concerning the management of agricultural properties, it has to be emphasised that there are a lot of problems that are faced in this matter nowadays. In Croatia a continuing decrease of the number of farms and their average size, a substantial subdivision of farm land, great loss of the once cultivated agricultural land and growth of uncultivated farm land can be observed in the country [RADINOVIC, ŽUTINIĆ, 2006]. According to the above mentioned Authors, it is essential to improve the agrarian structure, which implies an increase of the average size of the agricultural homestead. The fact is that the trouble with intrinsically small parcels caused by, among other things, the practice of inheritance, has led to subdivisions to a very high extent and some of the newly divided parcels can hardly sustain a family unit even for subsistence. The small parcels are overexploited and loose their fertility quickly as a result of either overgrazing, soil erosion and other poor farming practices [WAIGANJO, NGUGI, 2001]. Very small parcels of land not being economically utilized for agriculture are particularly common in the rural areas and areas surrounding big towns such as, Nairobi, Mombasa, Eldoret and Nakuru [NJUGUNA, BAYA, 2004]. To prevent the fragmentation to a high extent, in most of the analysed countries, for example in Austria, Turkey, Sweden, Poland, etc. subdivision has to be performed according to the rules specified in local plans, which very often regulate the minimal area of the newly designed parcels. According to KARABIN (2014), spatial development plans in the Netherlands do not include any information on the minimal area of the newly allocated plot but the plot must ensure the possibility of management in conformity with designation in the plan. On the other hand, in Austria the

minimal area of the newly allocated plot is not always defined in the spatial development plan although it may be. Neither is the permissible width of the plot, separately specified by the commune. In Turkey it is also controlled whether the size of plots conforms to the decisions of local physical plans or by-laws. In 1992 the state determined by Law that further fragmentation (subdivision) of rural land was no longer to be allowed to create land parcels less than 0.4000 ha [TURK, TURK, 2002]. On the other hand, in Norway, it is forbidden to subdivide land that is used or may be used for agriculture or forestry. The agricultural authority, which today is the municipality, may consent to land subdivision if there are strong reasons such as public interests or economic returns [ERIKSSON, 2007].

The rules concerning property transactions – purchase processes and principles of performing subdivision differ among countries. Nowadays EU countries entirely recognise an urgent need for simplifying their property related processes. Indeed, the simpler a process is organised, the lesser costs it generates and therefore the more efficient national economy might function [VASKOVICH, 2007]. In the literature it can be read that in some of the Eastern European and Central Asian countries the problem is the proper management of agricultural real estates being in state-ownership. The literature points out that state-owned agricultural land has to be appropriately managed and it all requires suitable national policy, up-to date and reliable cadastre and land register, reflecting the factual circumstances of the resource of real estates. According to DELLS (2008), it considers, among others, around 11 m ha in Ukraine, 276.5 m ha in Russia, 290,000 ha in Bulgaria, 85.5 m ha in Kazakhstan, 112.4 m ha in Mongolia and 400000 ha in Serbia. There are various approaches adopted to the matter. DELLS (2008) points out that Serbia's government decided not to privatize state-owned agricultural land at the current stage and has started to lease it out. In Ukraine, selling state-owned agricultural land was not common before 2007 and has been prohibited ever since, whereas in Kazakhstan the land in state ownership is distributed for use via long term use rights and lease. In the Russian Federation, in order to provide rational use and protection of lands, the state's land monopoly was abolished and two main forms of land ownership: public uses and private farming were introduced [SAGAYDAK, SAGAYDAK, 2014]. The Authors emphasise that in the market there are externalities, such as the state registration of the deals, restrictions on the sale and purchase of agricultural land, which prevent the formation of equilibrium prices of agricultural land plots. In Kenya about 70% of the land is held under customary systems of ownership and use, while 10% is categorized as Government Land/Reserves, with only 20% being private land under statute [NJUGUNA, BAYA, 2004].

After the political changes after 1990 many countries in Central and Eastern Europe have adopted policies aiming at restructuring land tenure and introducing private ownership of agricultural land formerly used by state companies, cooperatives or statutory bodies. Various solutions have been adopted. In Eastern Germany (former German Democratic Republic) a total of 0.3 m ha of state-owned agricultural and forest land have been restituted, 1.2 m ha have been allocated and 1 m ha have been privatized (by selling) [DELLS, 2008]. In Croatia agricultural land was subject to restitution and the remaining state-owned agricultural land was meant to be given into private hands by means of lease, concession or sale via public announcements. Lithuania adopted the restitution of property to former owners or their heirs and the remaining land (estimated 500000 ha) was designated for further privatization via land sales. Whereas, Mongolia has decided to privatize only arable land, which can be purchased for a price according to existing governmental regulations by Mongolian citizens only. Due to the fact that the prices are extremely high in comparison to the prices for a long term lease, no significant privatization has taken place so far [DELLS, 2008]. In Serbia it has not yet been decided whether state-owned agricultural land will be subject to restitution and since that it is prohibited to sell the land. Instead, the land is leased out on a three to five year basis. In Poland, legal acts allowing the return of property or the payment of damages and equitable compensation have not been adopted (...). Despite the lack of legal regulations relating to property restitution in Poland, restitution claims are now inquired on the basis of various prerequisites in administrative and judicial proceedings [CIENCIAŁA, FLOREK-PASZKOWSKI, 2016]. The Authors emphasise that this allows, in some cases, the recovery of property expropriated in violation of the law or getting fair compensation.

What is more, the problem is the increasing process of exurban development on rural land formerly dominated by extensive agriculture. BROOKS, MERENLENDER, et al. (2005) indicate that country homes are common across Europe, especially in France, where there was an explosion of home building in rural areas starting in the 1970s, but the number of rural residents has also increased dramatically in Denmark. The above mentioned authors point out that this type of development is becoming increasingly common in much of the world, but it is poorly planned, land consumptive, auto-dependent, and designed without respect to its surroundings, however the impacts of this type of fragmentation on biodiversity are generally unknown and likely to be undervalued. It can be learnt from the literature that in parts of Australia and the United States, the problem of rural living settlement in areas zoned for agriculture

causes loss of agricultural production and land use conflicts and that low-density zoning and subdivision controls are probably the most common policies used to contain exurban development, as well as open-space and farmland preservation programs.

Data from the national land surveying and mapping database

Data collected in the national land surveying and mapping database play a fundamental role in the procedure of the legal and surveying property division. As it was already mentioned, when qualifying a property as designated for agricultural purposes, in the case of the lack of the spatial development plan and the decision on land development and management conditions, the actual way of using the property is binding. Information from the cadastre is crucial when determining the way of using the property. The certified copy of an extract from a cadastral record and an extract from a cadastral map play an essential role in the course of the legal division as a basis for property designation for the needs of establishing land and mortgage registers or updating their contents. The information concerning the land use, included in the certified, above mentioned, extract from a cadastral record, is firm for the notary public who can determine on its basis the admissibility of a transaction in the legal system in force. The author's research, however, reveals that cadastral data included in such reports do not reflect factual circumstances and they frequently require updating, in particular in terms of classifying lands into separate lands in use. Moreover, archive surveying documentation collected in the national land surveying and mapping database allows to determine the property boundaries and serves for the preparation of a map with subdivision project. There are cases when it is necessary to synchronize designation of the property in the cadastre and in the land and mortgage register due to the changes in the structure of boundaries and the numbering of parcels, which take place over the years. It is then necessary to reconstruct the location of boundaries on the basis of archive documents. Knowledge of the formerly binding technical standards of performing a cadastral topographic survey turns out to be indispensable in such a case, since it enables proper interpretation of the materials [CIENCIALA, FLOREK-PASZKOWSKI, SEMANIAK, 2013]. The combined analysis of all the materials accessible for a given area gives complete information about a real property being in its entirety or in part a matter of the described proceedings.

Conclusions

Agricultural land resource plays a significant role in the socio-economic development of many countries in the world, as in a lot of cases majority of the population depends on agriculture for their livelihood. Therefore, the rules connected with acquiring rights to the land and performing property related processes, including subdivision, are crucial. Specific requirements concerning land tenure types and land fragmentation principles differ in various countries, but they definitely determine land use practices and regulate the efficiency of agriculture. There are several problems that face the agricultural land around the world. Severe land fragmentation, caused, for example, by the practice of inheritance, over-exploitation of parcels, loss of fertility due to poor practices or soil erosion, risk of converting agricultural land into built-up zones, etc. evoke the urgent need to create clear vision of how to effectively manage the agricultural land to provide sustainable development of agricultural production. It all requires suitable national policies, active management and well-functioning registers - cadastre and land and mortgage register, providing trustworthy and up to date information about the land, being the object of surveying or legal partition.

References

- ACT 2016. The Act of 14 April 2016 on the suspension of the sale of property from the agricultural property stock of the State Treasury and on amendments to some acts (Journal of Laws of 2016 item 585). Ustawa z 14 kwietnia 2016 r. o wstrzymaniu sprzedaży nieruchomości Zasobu Własności Rolnej Skarbu Państwa oraz o zmianie niektórych ustaw (Dz.U. z 2016 poz. 585).
- ACT 2003. The Act of 11 April 2003 on shaping the agricultural system (Journal of Laws of 2003 No.64, item 592, as amended). Ustawa z dnia 11 kwietnia 2003 r. o kształtowaniu ustroju rolnego (Dz.U. 2003 nr 64 poz. 592 ze zmianami).
- ACT 1997. The real estate management Act of 21 August 1997 (Journal of Laws of 1997 No.115, item 741, as amended). Ustawa z 21 sierpnia 1997 r. o gospodarce nieruchomościami (Dz.U. z 1997 r. Nr 115, poz. 741 ze zmianami).
- ACT 1982. The Act of 6 July 1982 on land and mortgage registers and mortgages (Journal of Laws of 1982 No.19, item 147, as amended). [Ustawa z 6 lipca 1982 r. o księgach wieczystych i hipotece (Dz.U. z 1982 r. Nr 19, poz. 147 ze zmianami)].

- ACT 1964a. The Act of 17 November 1964 on the Code of Civil Proceeding (Journal of Laws of 1964 No.43, item 296, as amended). Ustawa z dnia 17 listopada 1964 r. - Kodeks postępowania cywilnego (Dz.U. 1964 Nr 43, poz. 296 ze zmianami).
- ACT 1964b. The Act of 23 April 1964 on the Civil Code (Journal of Laws of 1964 No.16, item 93, as amended). Ustawa z dnia 23 kwietnia 1964 r. - Kodeks cywilny (Dz.U. 1964 Nr 16, poz. 93 ze zmianami).
- ASHRAF, A., IMRAN, M., SHAHBAZ, A. 2015. Protecting Agricultural Land in Developing Countries: A Case Study from Lahore, Pakistan. International Journal of Advanced Remote Sensing and GIS, NCR Delhi, India.
- BIEDA, A., JASIŃSKA E., PREWEDA E. 2014. Surveying Protection of Agricultural Land in Poland. The 9th International Conference "ENVIRONMENTAL ENGINEERING", eISSN 2029-7092 / eISBN 978-609-457-640-9, Vilnius, Lithuania.
- BROOKS, C., GAO, S., JOHNSTON, R., MERENLENDER, A. M., SHABAZIAN, D. 2005. Forecasting exurban development to evaluate the influence of land-use policies on wildland and farmland conservation. Journal of Conservation Planning 1(1):64-88.
- BUDZYŃSKI, L. 2016. Revolution in the agricultural land market - the minister surveyor in charge (Rewolucja na rynku nieruchomości rolnych - minister geodeta w roli głównej). Przegląd geodezyjny (2/2016), Warsaw.
- CIENCIAŁA, A., FLOREK-PASZKOWSKI R. 2016. Abandoned properties in the processes of real estate management in Poland. Geographic Information Systems Conference And Exhibition - Gis Odyssey 2016 (ISBN: 978-953-6129-55-3).
- CIENCIAŁA, A., FLOREK-PASZKOWSKI R., SEMANIAK A. 2013. Tradycyjne i współczesne aspekty metrologii w pomiarach katastralnych. Mat. Konf. Nauk. pt. VI Kongresu Metrologii, Kielce - Sandomierz 2013.
- DELLS, K. 2008. Management and Privatization of State-Owned Agricultural Land – Case Studies from Eastern Germany and Ukraine - lessons learned for countries in transition, FIG/FAO/CNG International Seminar on State and Public Sector Land Management, Verona, Italy.
- ERIKSSON, G. 2007. Cadastral procedures in the Nordic Countries - a comparison of prices, costs and handling-times, FIG Working Week 2007, Hong Kong SAR, China.
- GEOFF A., 2006. Considering the right to have a house on rural allotments. Australian Planner. Vol.43 No.2, Australia.
- GNIEWEK, E. 2013. Reżim prawny podziału nieruchomości rolnych i leśnych – garść refleksji ogólnych, Prawnicza i Ekonomiczna Biblioteka Cyfrowa, Wrocław.
- GUS. 2015. Land use and sown area in 2015 (Użytkowanie gruntów i powierzchnia zasiewów w 2015 r.). Central Statistical Office of Poland (Główny Urząd Statystyczny), Warsaw, Poland.
- GUS. 2013. Characteristics of agricultural holdings in 2013 (Charakterystyka gospodarstw rolnych w 2013 r.). Central Statistical Office of Poland (Główny Urząd Statystyczny), Warsaw, Poland.
- KARABIN, M. 2014. The role of development plan in the procedure of division of real estates in selected European Union countries (Rola planu zagospodarowania przestrzennego w procedurze podziału nieruchomości w wybranych krajach Unii Europejskiej). Real estate management and cadastre. Selected problems (Gospodarka nieruchomościami i kataster. Wybrane problemy), Warsaw, Poland.
- KIL, J., PODCIBORSKI, T., 2011. Ład przestrzenny obszarów peryferyjnych w aspekcie podziałów nieruchomości niezurbanizowanych, Barometr Regionalny, Zamość.
- MJØS, L. B. 2011. Land subdivision in Norway. A comparison with Denmark and Sweden, FIG Working Week 2011, Marrakech, Morocco.
- NEWNHAM, L., PARKER, J. 2004. Land Management in Australia. Case Study with emphasis on the State of Victoria, UN, FIG, PC IDEA Inter-regional Special Forum on The Building of Land Information Policies in the Americas, Aguascalientes, Mexico.
- NJUGUNA, H. K., BAYA, M. M. 2004. Land reforms in Kenya: an institution of surveyors of Kenya (ISK) initiative, Nairobi, Kenya.
- ORDINANCE 2011. Ordinance of the Minister of Interior and Administration of 9 November 2011 on technical standards for performing topographic surveys, and the preparation and delivery of these surveys results to the national land surveying and mapping database (Journal of Laws of 2011 No. 263 item 1572). Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 9 listopada 2011 r. w sprawie standardów technicznych wykonywania geodezyjnych pomiarów sytuacyjnych i wysokościowych oraz opracowywania i przekazywania wyników tych pomiarów do państwowego zasobu geodezyjnego i kartograficznego (Dz.U. 2011 nr 263 poz. 1572).

- RADINOVIC, S., ŽUTINIĆ, D. 2006. Can Croatia have competitive family farming? A contribution to the research of agrarian structure. *Journal for General Social Issues* 16(1):175-197, Zagreb, Croatia.
- SAGAYDAK, A., SAGAYDAK, A. 2014. Development of agricultural land market and land consolidation in the Russian Federation, FIG Congress 2014, Kuala Lumpur, Malaysia.
- SOBOLEWSKA-MIKULSKA, K. 2015. Legal-surveying procedures in land management in agricultural areas (Procedury prawno-geodezyjne w gospodarce gruntami na obszarach rolnych), Warsaw, Poland.
- SOBOLEWSKA-MIKULSKA, K. 2014. Real estate management and cadastre. Selected problems (Gospodarka nieruchomościami i kataster. Wybrane problemy), Warsaw, Poland.
- TURK, S. S., TURK, C. 2002. The use of land readjustment as a land development method in Turkey, FIG XXII International Congress, Washington, D.C. USA.
- VASKOVICH, M. 2007. Does the Chain "Subdivision - Purchase - Building Permit" work properly in Sweden?", FIG Working Week 2007, Hong Kong SAR, China.
- VERDICT. 2015. Verdict of the Supreme Court of 18 March 2015 No. I CSK 286/14 (Postanowienie Sądu Najwyższego z dnia 18 marca 2015 r. Sygn. akt I CSK 286/14).
- WAIGANJO Ch., NGUGI P. E. N., 2001. The effects of existing land tenure systems on land use in Kenya today, International Conference on Spatial Information for Sustainable Development, Nairobi, Kenya.