

# **Statistics on Transfer of Property Rights (STPR)**

## **Methodological Note**



INSTITUTO NACIONAL DE ESTADÍSTICA

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## **1 Introductory note**

These statistics provide on a monthly basis information on the number of transfers of rights on property, whose transfer is recorded in the Land Registers.

It is classified by Right of property transfer and Acquisition title, taken from information supplied by the Centre for Statistical Processes of the Property, Mercantile and Real Estate Registers Official College of Spain CORPME. Information is provided broken down into provincial units for the whole country and for the Autonomous Cities of Ceuta and Melilla.

These statistics are of a censal nature and are new. In order to compile them, data sent monthly by the Property, Mercantile and Real Estate Registers College is collected, in accordance with the agreement signed by the aforementioned College and the National Statistics Institute, on 22 April 2004, is collected.

The statistics on the Transfer of Property Rights are statistics which are self-standing and appear in the 2005-2008 National Statistical Plan, in the 2006 Annual Programme, under statistical operation number 4756.

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## **2 Objectives**

The main objective of the statistics is to provide, on a monthly and an annual basis, the number of transfer of property rights on a national level, by provinces and Autonomous Communities.

It may be necessary to know municipal codes on occasions in order to be able to determine the place with the highest density of transfers of property rights taking place at a given moment, as well as the right to transferred property, the acquisition title or other variables used in the statistics.

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## **3 Scope of research**

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### **3.1 POPULATION SCOPE.**

The population studied is made up of the set of property registers.

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### **3.2 GEOGRAPHICAL SCOPE.**

The geographical statistics cover the whole country.

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### **3.3 TIME SCOPE.**

The statistics are monthly.

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## 4 Variables researched

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### 4.1 ACQUISITION TITLE

The acquisition titles are broken down by merchanting, donation, exchange, inheritance, etc. It does not cover transfer of mortgages, since these are included within the Subrogation of mortgages.

Ownership of a transferred property is classified as shown in the previous paragraph, under four defined headings and a fifth one for all those legal bases not covered in them.

- **Merchanting.**- Through the merchanting contract, one of the parties undertakes to hand over something which is specified and the other party undertakes to pay a specified price for it, in money or a token thereof.
- **Donation.**- is the exercising of one's free will whereby a person makes something available free of charge to another person who accepts it. In order for the donation of property to be valid, a public deed has to be drawn up, in which the donated items of property are expressed individually, as is the value of the charges to be covered by the recipient.
- **Exchange.**- is a contract whereby one of the parties undertakes to give something to receive something in return.
- **Inheritance.**- When a property belonging to a deceased person is acquired through a will or legally. Those who are not invalidated under the law may be successors by will or minutes regarding the declaration of Intestate heirs.
- **Others.**- All those not covered in the preceding list. On occasions, it may reflect concentrations of plots or horizontal divisions. In other cases it may involve a joint operation, combining several acquisition titles, or transfers with an unspecified acquisition title.

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### 4.2 LAND REGISTRY

The Land Registry is a public Register whose purpose is the recording of property, its ownership as well as any changes or restrictions experienced.

The Land Registers will be maintained in all towns and cities in which they are established. Nevertheless, the Ministry of Justice, at the proposal by the General Directorate of Registers and Notaries, and with the regulatory formalities, where this suits public service, by volume and movement of ownership on properties and federal taxes, may, upon fulfilling its obligation to request a recommendation from the State Council, agree on the establishment of new Land Registers in specific localities, as well as amendments to or closure of existing ones.

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#### 4.3 MUNICIPALITY

Administrative territorial unit, made up of a population and certain extension of surrounding territory called a municipality. All this is governed by a body: Municipal council.

The results by municipality will be the sum of the transfer of property rights located within a specific municipality, whether it has a Land Register or not, in other words, data referring to 'municipality' is that in which the properties are physically located in that municipality.

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#### 4.4 PROVINCE

Each one of the administrative divisions in Spanish territory.

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#### 4.5 TRANSFERRING PARTY

The owner of the property, whose right to the property is transferred, is specified if it is:

- **Individual.**- A physical person is defined as any human individual who is subject to rights and obligations.
- **Legal entity.**- Corporation, association or foundation of public interest and recognised by the law. Does not have physical individual existence. Also governed is association of particular interest whether this is civil or mercantile, to which the law grants a personality independent from its associates.

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#### 4.6 ACQUIRING PARTY OR RECIPIENT

This is the new owner of the property, in other words, the person acquiring or receiving the property, the right to which is transferred.

The definitions for individual and company are the same as for the transferring party.

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#### 4.7 DATE OF FORMALISATION OF THE TRANSFER OPERATION

The date on which the Transfer of property right operation is formalised.

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#### 4.8 DATE OF RECORDING AT THE LAND REGISTER

The date on which the transfer operation is recorded in the Land Register.

The registration date is considered for all purposes to be the presentation date which should be recorded on the same registration. The recording is made at the Land Register in whose district the properties subject to transfer of rights are situated.

The date of recording does not have to coincide with the date of formalisation of the Transfer.

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#### 4.9 RECORDING OF THE TRANSFER

It is only shown for the purposes of statistical classification, when the Transfer of the property is carried out for the first time. Other transfers are grouped under a single one as others, in other words, they are classified as first recording and other recordings.

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#### 4.10 REFERENCE MONTH

The date of recording in the Land Register is taken as the reference month, since this is the moment of registering the transfer operation.

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#### 4.11 RIGHT TO TRANSFERRED PROPERTY

This covers information regarding the nature of the property being transferred. The classification is as follows:

- **Fee simple.**- 'Full entitlement' is defined as when the right to use and have access is in full, without limitation other than those covered by law and regulations.
- **Usufruct.**- Is the right to use the property of others, with the obligation of preserving its form and substance. It is constituted by law by the will of the parties and as prescribed.

Use and enjoyment of a property may be constituted on the entire property or part thereof and on behalf of one or more persons.

- **Naked property.**- Property encumbered with use and enjoyment such that the owner is only entitled to ownership of the property, but not to its enjoyment. The right to preferential subscription of shares corresponds to the property knot. It is frequent in Spain due to the inheritance system.

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#### 4.12 NATURE OF THE PROPERTY

Transfer rights are classified by the nature of the transferred property, distinguishing between rustic and urban.

**Rustic nature.** A property is termed as rustic when it is part of the countryside or a rural area. Five types of rustic properties are distinguished with a sixth for all those not included in the preceding five, or where it is unclear where to include them:

- **Dry farming.**- Non-irrigated rustic property, whose specification as dry is shown in the deed.
- **Irrigated land.**- Rustic property which uses any means of irrigation, and whose irrigation specification is shown in the deed.
- **Rustic dwelling.**- Construction used as a dwelling outside the urban area and not located on a division of building land. It includes estates, towers, country houses, farms, cabins, Catalan country houses, etc.

- **Rustic agrarian building.**- Construction used for agrarian services. It will include farm or livestock buildings, farm, livestock or forestry factories, outbuildings forming part of an independent farm: granaries, stables, tanks etc.
- **Agricultural operation.**- It will include registered farms constituted by a set of land and buildings given over to agricultural, forestry or livestock use, forming an organic whole and an economic organisation.
- **Other rustic buildings.**- This includes those rustic nature buildings that it has not been possible to classify under the previous headings.

**Urban nature.** Buildings are considered to be of an urban nature when they are located within a city or within the land that is conditioned in order to create or develop an urban area. They are broken down into the following classification.

## 1. Dwellings

A venue that is designed to be inhabited and intended to be used by one or several persons. This section differentiates between a flat with annexes, a flat without annexes, a terraced house / a semi-detached house and a detached house.

- **Flat with annexes.**- An annex is denominated any element that cannot be separated from the dwelling because it serves for its use, in other words, this paragraph includes those dwellings which, apart from the flat, also have a garage or/and a storage room, not intended for residence and usable for other uses. This is considered in the horizontal division law and is recorded in the public deed for the dwelling.
- **Flat without annexes.**- Dwellings that do not have any rooms depending on them. This also includes flats whose annexes have their own independent deeds.
- **Terraced or semi-detached house.**- A terraced house is a single dwelling within a building, linked to other buildings by two of its external walls. This may be with one or various floors, with or without annexes, be within a plot of land which is the same size or larger than the building.  
  
This heading also includes semi-detached houses, which are single dwellings within a building, linked to other buildings by one of their external walls. These may be one or various floors, with or without annexes, be within a plot of land which is the same size or larger than the building.
- **Detached house.**- This is a single dwelling within a building, whose external walls are not linked to any other building. This may be with one or various floors, with or without annexes, be within a plot of land which is the same size or larger than the building.

## 2. Lots

- **Unedified land.-** This refers to urban soil without buildings, without considering their urbanistic qualification, and independently of whether it constitutes a lot or not.

## 3. Other urban land

- **Commercial premises.-** This section includes those premises whose main activity is commercial.
- **Garages.-** Public or private car parks are included. They also include those private garages within a building designed for dwellings or other purposes, but with independent deeds.
- **Office.-** Those premises intended for providing public services, but not for commercial use.
- **Lumber room.-** This includes premises with independent deeds and unspecified use under the premises headings, both those included in the building of the owner's dwelling, and those that are in another building.
- **Industrial building.-** Each area of space that extends between walls to form a factory, storage space or other industrial type construction. This includes industrial warehouses located in both urban and rustic areas.
- **Building destined for dwellings.-** Buildings whose purpose is mainly to be used as dwellings. This is independently of whether they have garages, lumber rooms or commercial premises.
- **Other buildings not previously determined.-** This classification includes any construction other than the previous buildings for dwellings. They may be used, for example, for schools, hospitals, residences, cinemas, hotels, etc.
- **Urban use.-** Total building capacity of the industrial area, sector or unit concerned, once the square metres for construction destined to obligatory building are calculated; urban uses will be included, when they constitute independent property.
- **Other urban use.-** This includes those urban nature buildings that are not classified under the previous headings.

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### 4.13 DWELLING REGIME

This variable collects information on the dwelling protection regime, that is, free price dwellings or those with some official protection regime.

- **Free price dwelling.-** When the dwelling is not subject to any type of protection.
- **Dwelling subject to some type of protection regime.-** Dwelling may be subject to some type of official protection: OHP, OHP type or Other OHP. This only indicates whether the dwelling is subject to a regime or not; it does not distinguish between regime types.



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#### 4.14 LAND CONSTRUCTION STATE

The construction state of the land refers to the construction state of the building. In urban buildings, classification is by two types: whether the building is in a construction or project stage, or whether the construction is finished. This is also coded with unedified land and with construction that is not new.

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#### 4.15 STATE OF THE DWELLING

**New dwelling.-** When it is a new construction, this is, it has passed less than a year since the end of the construction.

**Used dwelling.-** When it is not a new construction, this is, it has passed more than a year since the end of the construction.

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### 5 Collection method

The data are received from the Official College of Property and Mercantile Registers of Spain, the Statistical Processes Centre being responsible for collecting the information from the Land Registers and supplying this information to the INE electronically, and are thus administrative statistics.

Each Land Register submits information monthly regarding all the registrations carried out at said Register during the reference month, to the Statistical Processes Centre of the CORPME.

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### 6 Treatment of the Information

The data supplied electronically are subjected to numerous controls and filtering programs in order to rectify possible errors.

Once the data have been filtered, there is a data estimation stage for those data for which one or many of their variables are null or blank, in order to complete and improve the results obtained for the population object of the study.

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### 7 Tabulation, data analysis and dissemination

Once the collection, treatment and estimation stages are finished, the information is tabulated.

Within the tabulation, one may distinguish two large differentiated blocks: provisional monthly tabulation and final annual tabulation.

In the monthly tabulation, which is provisional, the information is disseminated by means of a press release, which incorporates a set of four or five pages of analysed commentaries, charts, graphs and tables with the most relevant data. It is disseminated to all of the media: press, radio and television, on the dates established in the Calendar of availability of Short-term Statistics.

This information is also disseminated via the Internet and electronic mail for those users who so request.

The annual tabulation is also disseminated with final results. In addition, an electronic publication is compiled with monthly and annual summaries with definitive data for the national, Autonomous Community and Province totals.

All the corresponding information for these statistics may be found on the INE website [http://www.ine.es/en/welcome\\_en.htm](http://www.ine.es/en/welcome_en.htm)