

A BILL

entitled

LAND TITLE REGISTRATION AMENDMENT ACT 2018

TABLE OF CONTENTS

1	Citation
2	Amends section 3A
3	Amends section 4
4	Repeals section 32A
5	Amends section 93
6	Amends section 126
7	Amends Schedule 3
8	Consequential amendment to Government Authorities (Fees) Act 1971

WHEREAS it is expedient to amend the Land Title Registration Act 2011;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Land Title Registration Act 2011 ("the principal Act"), may be cited as the Land Title Registration Amendment Act 2018.

Amends section 3A

2 Section 3A of the principal Act (application for registration of estate to be made by attorney) is amended—

- (a) in the heading, by deleting "registration of estate" and substituting "first registration under section 24 (compulsory registration)"; and
- (b) in the section, by deleting "registration of any estate under this Act" and substituting "first registration under section 24 (compulsory registration)".

Amends section 4

3 Section 4(1) of the principal Act is amended by deleting "a Government Department" and substituting "an Office".

LAND TITLE REGISTRATION AMENDMENT ACT 2018

Repeals section 32A

4 Section 32A of the principal Act (notice of application for first registration to be published in Gazette) is repealed.

Amends section 93

5 Section 93 of the principal Act (adjudication) is amended—

(a) by repealing subsection (2);

(b) in subsection (5), by repealing paragraphs (a) and (b) and substituting—

“(a) any attorney who is an officer of the LTRO; or

(b) any other attorney, whether a public officer or not, whom the registrar believes to be suitably qualified to dispose of the objection.”; and

(c) by inserting after subsection (8)—

“(9) The adjudicator shall be paid in accordance with the Government Authorities (Fees) Act 1971, and shall receive a fee equivalent to that of a Chairman of a Government authority under that Act.”.

Amends section 126

6 Section 126 of the principal Act (consequential amendments) is amended—

(a) by renumbering the section as subsection (1); and

(b) by inserting after subsection (1)—

“(2) The Minister may, by regulations subject to the negative resolution procedure, make further consequential and related amendments to any provision of any other Act or statutory instrument if it appears to him that that provision is inconsistent with, or requires amendment consequentially upon, or has become unnecessary in consequence of, the provisions of this Act.”.

Amends Schedule 3

7 Paragraph 15(1) of Schedule 3 to the principal Act is amended by inserting “under section 24 (compulsory registration)” after “estate”.

Consequential amendment to Government Authorities (Fees) Act 1971

8 The First Schedule to the Government Authorities (Fees) Act 1971 is amended in Part B by inserting in the appropriate alphabetical place—

“Adjudicator appointed under section 93(4) of the Land Title Registration Act 2011”.

LAND TITLE REGISTRATION AMENDMENT BILL 2018

EXPLANATORY MEMORANDUM

This Bill would amend the Land Title Registration Act 2011 (“the principal Act”) as follows.

Clause 1 is self-explanatory.

Clause 2 amends section 3A which currently requires any application for registration of an estate to be lodged on behalf of the applicant by an attorney. The amendment would require only an application for first registration under section 24 (compulsory registration) to be lodged by an attorney. (Any other application could be lodged by an attorney if the applicant so chooses.)

Clause 3 amends section 4(1) to reflect that the Land Title Registry Office (“LTRO”) is not a Government Department, but rather an Office within the Land Title and Registration Department.

Clause 4 repeals section 32A, which currently requires the registrar to give notice of an application for first registration by publishing notice thereof in the Official Gazette and inviting anyone who has an interest in the estate and wishes to object to the application to do so within 30 days after such publication. The concern is that this requirement would complicate and delay the application process, and would serve little purpose because, once an application is made, the underlying transaction would already have closed.

Clause 5 amends section 93(5) to enable the registrar to appoint as an adjudicator, in addition to any attorney who is an officer of the LTRO, any other attorney, whether a public officer or not, whom the registrar believes to be suitably qualified to dispose of the objection.

Clause 6 amends section 126 (consequential amendments) to insert subsection (2), which enables the Minister to make, by regulations subject to the negative resolution procedure, further consequential and related amendments to any provision of any other Act or statutory instrument if it appears to him that that provision is inconsistent with, or requires amendment consequentially upon, or has become unnecessary in consequence of, the provisions of this Act.

Clause 7 amends paragraph 15 (certificates of legal effect) of Schedule 3 to require a certificate of legal effect to be provided only where application is made for first registration under section 24 (compulsory registration).

Clause 8 makes a consequential amendment to Government Authorities (Fees) Act 1971 to add an adjudicator to the list of Government authorities listed in Part B of the First Schedule to that Act.