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THE STATUTES OF THE REPUBLIC OF SINGAPORE

**LAND TITLES ACT
(CHAPTER 157)**

**Act
27 of 1993**

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1994

Land Titles Act

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An Act which makes provision for the registration of titles to land.

[1st March 1994]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Land Titles Act.

Division into
Parts.

2. This Act is divided into Parts, as follows:

| | | | |
|------------|-----|----------|---------|
| Part I | ... | sections | 1–4 |
| Part II | ... | sections | 5–7 |
| Part III | | | |
| Division 1 | ... | sections | 8–20 |
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| Part X | ... | sections | 94–106 |
| Part XI | ... | sections | 107–114 |

| | | |
|------------|-----|-------------------|
| Part XII | ... | sections 115–130 |
| Part XIII | ... | sections 131–137 |
| Part XIV | ... | sections 138–141 |
| Part XV | ... | sections 142–145 |
| Part XVI | ... | sections 146–150 |
| Part XVII | ... | sections 151–160 |
| Part XVIII | ... | sections 161–164 |
| Part XIX | ... | sections 165–173. |

3.—(1) Except as hereinafter provided, all Acts, regulations, rules, and other laws, and all practices, relating to estates and interests in land and operative at 1st March 1994, so far as they are inconsistent with the provisions of this Act in their application to registered land, are repealed. Reconciliation with existing laws.

(2) Nothing in this Act shall affect the right of the Collector of Land Revenue, or of any other person or authority empowered by any written law, to enter on registered land pursuant to such a power.

(3) Except as otherwise expressly provided in this Act, the Registration of Deeds Act shall not apply to registered land. Cap. 269.

(4) This Act shall bind the Government.

4.—(1) In the interpretation of this Act and any rules made thereunder, unless the context otherwise requires — Interpretation.

“approved form” means any form approved by the Registrar for the purposes of any of the provisions of this Act;

“assurance”, in relation to unregistered land, has the same meaning as in the Registration of Deeds Act;

“assurance fund” means the assurance fund constituted under section 151;

“caveatee” means the proprietor or other owner of land described in a caveat and to whom notice of the caveat is required to be given;

“caveator” means the person by whom or on whose behalf a caveat has been lodged;

“certificate of title”, in relation to —

- (a) a manual folio includes a duplicate certificate of title issued by the Registrar before or after 1st March 1994;
- (b) a computer folio includes a print-out of that folio bearing a facsimile of the Registrar’s seal;

“Collector” means the Collector of Land Revenue;

“computer folio” means a folio that is not a manual folio;

“dealing” means any instrument other than a certificate of title or caveat which is registrable or capable of being made registrable under the provisions of this Act or in respect of which any entry or notification in the land-register is by this Act required or permitted to be made;

“executor” means the executor to whom probate has been granted, and includes an executor by right of representation;

“folio” means a folio of the land-register, whether qualified or unqualified as to title;

“interest”, in relation to land, means any interest in land recognised as such by law, and includes an estate in land;

“instrument” includes a transfer, lease, mortgage, transmission application, charge and any other application, or any other document in writing relating to any disposition, devolution or acquisition of land or any claim to or vesting of interest in land;

“land” means —

- (a) the surface of any defined parcel of the earth, all substances thereunder and so much of the column of airspace above the surface whether or not held apart from the surface as is reasonably necessary for the proprietor’s use and enjoyment, and includes any estate or interest therein and all vegetation growing thereon and structures affixed thereto; or

(b) any parcel of airspace or any subterranean space held apart from the surface of the earth and described with certainty by reference to a plan approved by the Chief Surveyor and filed in the Survey Department, and includes any estate or interest therein and all vegetation growing thereon and structures affixed thereto,

and where the context so permits, the proprietorship of land includes natural rights to air, light, water and support and the right of access to any highway on which the land abuts;

“land-register” means the land-register that is maintained pursuant to section 28;

“manual folio” means a folio maintained by the Registrar wholly in the form of a document in writing;

“microfilm”, in relation to a document, includes storing a reproduction of the document on magnetic, optical or other medium in a computer from which a facsimile of the document may be perceived or further reproduced with the aid of a machine or other device, and “microfilmed” shall have a corresponding meaning;

“proprietor” means any person who appears from the land-register to be the person entitled to an estate or interest in any land which has been brought under the provisions of this Act, and includes a mortgagee, chargee and lessee;

“purchaser” means a person who, in good faith and for valuable consideration, acquires an estate or interest in land, and includes a mortgagee, chargee and lessee; and “purchase” shall have a corresponding meaning;

“qualified folio” means a folio qualified as to title;

“registered land” means land which has been brought under the provisions of this Act by being included in a folio;

“Registrar” means the Registrar of Titles appointed pursuant to this Act;

“Registrar of Deeds” means the Registrar of Deeds appointed under the Registration of Deeds Act;

Cap. 158.

“subdivided building” has the same meaning as in the Land Titles (Strata) Act;

“unregistered land” means any land which has not yet been brought under the provisions of this Act.

(2) A reference in this Act to a State grant or lease shall include a reference to a Crown grant or lease issued at any time prior to 16th September 1963.

(3) A reference to land alienated by the State shall include a reference to land alienated by the Crown at any time prior to 16th September 1963.

(4) A reference in this Act to a facsimile of the Registrar’s seal shall be a reference to an official seal which is a facsimile of the seal of office referred to in section 6 (1).

PART II

ESTABLISHMENT OF LAND TITLES REGISTRY

Officers.

5.—(1) This Act shall be administered by the Registrar of Titles who shall be appointed by the Minister and who shall carry into execution the provisions of this Act and be responsible for the general administration of the Land Titles Registry.

(2) The Minister may also appoint such number of Deputy Registrars and Assistant Registrars of Titles and other officers of the Registry as may be necessary for the carrying out of the provisions of this Act.

(3) The Minister may create different grades for Deputy Registrars and Assistant Registrars of Titles.

(4) Whenever by law anything is appointed or authorised to be done by the Registrar of Titles, that thing may lawfully be done by a Deputy Registrar or an Assistant Registrar of Titles.

(5) Where any other officer is appointed to carry out the provisions of this Act, such officer shall, subject to the general or special directions of the Registrar or any Deputy Registrar of Titles authorised by the Registrar to act on his behalf, carry out the provisions of this Act, and any person dealing with or making any inquiry on any matter or fact registered or notified in the records maintained under this Act is exonerated from inquiring whether such officer who

has purportedly carried out lawfully the provisions of this Act has the power to do so.

6.—(1) The Registrar shall have and use a seal of office having inscribed in the margin thereof the words “Registrar of Titles, Singapore”. Seal of office.

(2) Every certificate of title, dealing or any other document in writing relating to the disposition or acquisition of, or claim to, any estate or interest in land or evidencing title thereto, bearing the Registrar’s seal or the facsimile of that seal and purporting to be issued by the Registrar shall be received in evidence and, unless the contrary is shown, shall be deemed without further proof to be issued by or under the direction of the Registrar.

7.—(1) The Registrar may exercise the following powers: General powers of Registrar.

- (a) he may administer oaths and take statutory declarations;
- (b) he may enter caveats for the prevention of fraud or improper dealing whenever he has reason to think that fraud or improper dealing may occur, or for the prevention of any dealing with any registered land which has been found to be erroneous;
- (c) he may require any person who may have possession or control of an instrument relating to land the subject of a dealing, or relating to title to any such land, to produce that instrument, and he may retain any such instrument, whether produced pursuant to this paragraph or otherwise, until it is no longer required for the action in accordance with a dealing lodged with him provided that the Registrar shall permit the person who is entitled to the custody of that instrument to inspect the instrument; and
- (d) he may summon any person referred to in paragraph (c) or any person who from the land-register or a dealing appears to have or is entitled to or acquires or divests an estate or interest in any land to appear and give an explanation respecting that land or instrument.

(2) For the purpose of verifying the proprietorship of any land, whether registered or unregistered, and of establishing the limits of boundaries in relation to the proprietorship of such land where there is no modern survey or where the plans filed in the Survey Department are not sufficiently clear to establish such boundaries, the Registrar may require —

- (a) any person who may have possession of any title deed relating to any unregistered land and any relevant document pertaining to any estate or interest in such land other than documents relating to trusts to produce such documents; and
- (b) any person who owns any estate or interest in land, to furnish any information pertaining to the use or tenure of the land or any other matter pertaining thereto.

(3) Where a person required to produce an instrument pursuant to subsection (1) (c) or (2) fails to produce the instrument or to allow it to be inspected or, on being summoned pursuant to subsection (1) (d), refuses or neglects to give an explanation which he is pursuant to paragraph (d) required to give, or knowingly misleads or deceives any person authorised to demand any such explanation, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000; and if the instrument or information withheld appears to the Registrar to be material in relation to an instrument lodged for registration under this Act, the Registrar may refuse to register the instrument lodged for registration.

PART III

INITIAL REGISTRATION OF TITLES

Division 1 — Indefeasible titles

Alienation
by State.

8.—(1) Where at any time, whether before or after 1st March 1994, the State alienates or has alienated —

- (a) an estate in fee simple;
- (b) an estate in perpetuity; or
- (c) a leasehold estate of not less than 10 years,

in any land, the Collector shall furnish to the Registrar such particulars of the alienation in such manner as may be required by the Registrar to enable the Registrar to bring the land under the provisions of this Act by creating one or more folios for that land.

(2) No land shall be brought under the provisions of this Act unless the estate held under a State lease has an unexpired term of not less than 10 years on 1st March 1994.

(3) Any land brought under the provisions of this Act pursuant to subsection (1) shall be held subject to such exceptions, reservations, covenants and conditions expressed or implied by law in the relevant State title.

(4) Pending the issue of a State title, the land brought under the provisions of this Act pursuant to this section shall be held subject to such exceptions, reservations, covenants and conditions expressed or implied by law in the State title executed in escrow by the grantee or lessee of the land.

(5) Where any land has been brought under the provisions of this Act pursuant to any certificate issued by the Collector before 1st March 1994, the Collector shall upon the issue of the relevant State title deliver the full particulars of the State title to the Registrar who shall create a new edition of the relevant folio or make necessary alterations to the land-register to show the particulars of the State title and the boundaries and dimensions of the land and indicate whether the boundaries and dimensions are conclusive.

9.—(1) Where the President accepts the surrender of the title to land of different tenure for the reissue of one or more fresh titles of one type of tenure freed and discharged from any subsisting mortgage, the person entitled to be issued with the fresh title or titles in respect of the whole or part of the land surrendered may, with the consent of the Collector and the Registrar —

Surrender of title to land freed and discharged from subsisting mortgage.

- (a) in the case where the surrender is in respect of unregistered land, create a mortgage in respect of his right, title and interest in the unregistered land prior to the issue of the fresh title by the President with the intent that the mortgage shall pro tanto be in substitution for a mortgage which

was subsisting prior to the surrender of the unregistered land; or

- (b) in the case where the surrender is in respect of registered land, create a mortgage in respect of his right, title and interest in the registered land prior to the issue of a fresh title by the President with the intent that the mortgage shall pro tanto be in substitution for a mortgage which was subsisting prior to the surrender of the registered land.

(2) The following provisions shall apply to any mortgage created in respect of unregistered land in accordance with subsection (1) (a):

- (a) notwithstanding any other provision of this Act, the mortgage created in accordance with subsection (1) (a) may be registered under the provisions of the Registration of Deeds Act;
- (b) where the mortgage has been registered, provisionally or otherwise, under the Registration of Deeds Act, the person claiming as mortgagee under the mortgage may lodge an application with the Registrar for that mortgage to be notified on the relevant folio when created, and the Registrar shall, if satisfied that the application is in order, pending the creation of the folio, record the application in a provisional register-book, and thereupon the mortgage shall constitute a registered mortgage to the extent that the mortgagee of the mortgage may exercise the same powers as if he were a registered mortgagee;
- (c) where the Registrar has recorded the application for the notification of the mortgage on the provisional register-book pursuant to paragraph (b), the Registrar shall notify the mortgage on the relevant folio when created;
- (d) nothing in this section shall require the Registrar to notify any mortgage created pursuant to subsection (1) (a) on the folio when created unless an application to notify the mortgage on the land-register has been lodged with and accepted

by the Registrar as being in order for notification, and except in the case of fraud a purchaser dealing with the whole or part of the land at any time after the land has been brought under this Act shall not be deemed to have notice of any mortgage which has not been notified by the Registrar on the folio when created;

- (e) an assurance dealing with a mortgage referred to in subsection (1) (a) may be made with the consent of the Collector and the Registrar and may be registered under the provisions of the Registration of Deeds Act; and Cap. 269.
- (f) any assurance made in favour of a purchaser by the mortgagee exercising his power of sale under a mortgage created pursuant to subsection (1) (a) may, with the consent of the Collector, be registered under the provisions of the Registration of Deeds Act, and upon the acceptance by the Registrar of Deeds of the assurance for registration —
- (i) the purchaser from the mortgagee shall be deemed to be a successor in title of the right, title and interest in the land surrendered to the extent of the whole or part of the land conveyed to the purchaser by the mortgagee under the assurance and shall be bound by all the terms and obligations relating to the surrender of the whole or part of the land sold as if these terms and obligations have been made between the purchaser and the Collector; and
- (ii) the fresh title shall be issued to the purchaser named in the assurance registered under the Registration of Deeds Act if the Collector acting on behalf of the President is satisfied with the right, title or interest conveyed to the purchaser by the mortgagee under the assurance. Cap. 269.

(3) The following provisions shall apply to any mortgage created in respect of registered land pursuant to subsection (1) (b):

- (a) pending the issue of the fresh title, the mortgagee of a substituted mortgage referred to in subsection (1) (b) may lodge with the Registrar an application to notify the substituted mortgage on the existing folio and when the application is found to be in order, the Registrar shall notify the substituted mortgage on the existing folio notwithstanding the completion of the surrender to the State; and
- (b) the substituted mortgage shall for the purposes of this section be deemed to be a mortgage registered under this Act and the provisions of Part VIII shall apply thereto.

(4) Upon the creation of one or more folios for the land, the Registrar shall notify the substituted mortgage on the relevant folio or folios and, where applicable, cancel the previously existing folio or folios for the land.

Surrender of title to land subject to subsisting mortgage, statutory charge or caveat.

10. Without prejudice to section 9, where the President agrees to accept the surrender of title to land for the issue of one or more fresh titles, the President may do any or all of the following:

- (a) where the surrender is of the title to land of one type of tenure for the reissue of one or more fresh titles with similar tenure, accept the surrender of the title to the land subject to any subsisting mortgage with the consent of the mortgagee and the Registrar; and
- (b) accept the surrender of the title to the land subject to any subsisting statutory charge in favour of the Central Provident Fund Board or caveat notified under this Act with the consent of the Registrar.

Surrender of title to unregistered land with subsisting caveat.
Cap. 269.

11.—(1) Where the title to any unregistered land with any subsisting caveat registered under the Registration of Deeds Act is to be surrendered to the President for the reissue of one or more fresh titles, the owner of the land shall —

- (a) serve by registered post a notice on each caveator —
- (i) informing him of the intention to surrender the land and that the surrender may be accepted 3 weeks after service of the notice on him; and
 - (ii) advising him, if he has not already done so, to lodge with the Registrar a caveat in accordance with section 115 in respect of his interest in the land; and
- (b) after serving every such notice, forthwith file a statutory declaration with the Registrar containing evidence of such service.

(2) Upon the expiration of 3 weeks after the notice under subsection (1) is served in accordance with that subsection or, where more than one notice is served, after the last notice is so served, the Registrar, on being satisfied that the notice has been duly served, shall endorse his consent on the surrender.

(3) Upon the endorsement of the consent of the Registrar on the surrender, the surrender may be accepted by the President and when the surrender is accepted for provisional registration after it is lodged in the Registry of Deeds, the land comprised in the surrender shall be freed and discharged of any subsisting caveat registered against the land as at the date of the surrender.

(4) Upon the provisional registration of the surrender by the Registrar of Deeds, the respective interests protected by each of the caveats affected shall cease to be an interest claimed against the land or any part thereof notwithstanding that the surrender may not have been finally registered by the Registrar of Deeds.

(5) After the acceptance of the surrender for provisional registration, the Registrar of Deeds shall expeditiously finalise the registration of the surrender and enter in the Index to Caveat maintained for the purposes of the Registration of Deeds Act that all registration entries of the caveats subsisting immediately prior to the date of the surrender are cancelled.

(6) When the President has accepted the surrender and the Registrar of Deeds has notified the Collector that the surrender has been finally registered pursuant to subsection (5), the fresh title may be issued by the President.

Restriction on registration of assurance, caveat or instrument pending issue of fresh title. Cap. 269.

12.—(1) Except for a mortgage created under section 9, the assurances referred to in subsection (2) (e) and (f) thereof or a discharge of a statutory charge in favour of the Central Provident Fund Board, no assurance or caveat in respect of the unregistered land surrendered to the President pursuant to section 9, 10 or 11 shall be capable of being registered under the provisions of the Registration of Deeds Act and the Registrar of Deeds shall have the power to refuse the registration of that assurance or caveat when presented for registration and, in the case where that assurance or caveat has been registered, the Registrar of Deeds shall have the power to cancel the registration of that assurance or caveat and any entries relating thereto.

(2) Except for a mortgage created pursuant to section 9 or a discharge of a statutory charge in favour of the Central Provident Fund Board or an extension or withdrawal of a caveat notified under this Act, no instrument in respect of the registered land surrendered to the President pursuant to section 9 or 10 shall be capable of being registered or notified under the provisions of this Act and the Registrar shall have the power to refuse the registration or notification of such instrument when presented for registration or notification and where such instrument has been registered or notified, the Registrar shall have the power to cancel the registration or notification of such instrument and any entries relating thereto.

Collector to furnish Registrar with particulars of land upon issue of fresh title.

13.—(1) The fresh title to be issued by the President for any land surrendered pursuant to section 9 or 10 shall be endorsed with a statement that the State title is subject to the mortgage, statutory charge or caveat, if any, referred to in section 10.

(2) Upon the issue of the fresh title by the President for the land surrendered pursuant to section 9, 10 or 11, the Collector shall furnish to the Registrar such particulars of the land in such manner as may be required by the Registrar

to enable the Registrar to bring the land under the provisions of this Act by creating one or more new folios for the land and to notify the subsisting mortgage, statutory charge or caveat on the relevant folio or folios and, where applicable, cancel the previously existing folio or folios for the land.

(3) Section 27 (5) and (6) shall apply, mutatis mutandis, to the mortgage, statutory charge or caveat notified on the relevant folio pursuant to subsection (2).

14. Where an assurance which requires the prior written consent of either the Collector or the Registrar or both of them, as the case may be, has been made without the endorsement of his or their written consent thereon —

Power of Registrar of Deeds to refuse registration of assurances.

(a) the Registrar of Deeds shall not accept that assurance for registration or, in the case where that assurance has been registered under the provisions of the Registration of Deeds Act, shall cancel the registration of that assurance and any entries relating thereto; and

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(b) the Collector shall disregard that assurance and may issue one or more fresh titles as if that assurance had not been made.

15.—(1) Section 8 (2) to (4) shall apply to any land brought under the provisions of this Act pursuant to the issue of fresh title by the State after the surrender of an existing title.

Application of section 8.

(2) Section 8 (5) shall apply to any land brought under the provisions of this Act pursuant to the surrender of an existing title and the issue of a certificate by the Collector before 1st March 1994.

16.—(1) Where any land alienated by the President is brought under the provisions of this Act and a folio has been created for the land, the Registrar shall —

Registrar to make an entry on folio as to conclusiveness of boundaries, etc.

(a) where the boundaries and dimensions as shown in the plan filed with and approved by the Chief Surveyor are inconclusive, make an entry in the folio to show —

- (i) that the boundaries and dimensions are inconclusive; and
 - (ii) the reference number of the plan; or
- (b) where in the plan filed with and approved by the Chief Surveyor the boundaries and dimensions have been approved as conclusive, make an entry in the folio of the reference number of the plan.

(2) Where the Registrar has entered a caution on the folio created for the land as to the inconclusiveness of its boundaries and dimensions pursuant to subsection (1), he shall cancel that caution when the boundaries and dimensions shown in the plan filed with the Chief Surveyor have been approved as conclusive by the Chief Surveyor, and upon the cancellation of the caution the Registrar shall make the appropriate entry on the folio as to the conclusiveness of the boundaries and dimensions.

Priority of interests protected by caveats, mortgages and statutory charges registered or notified on land-register.

17.—(1) Where any land has been surrendered to the President pursuant to section 9, 10 or 11, with subsisting mortgages, statutory charges and caveats registered or notified on the land-register, the priority of these mortgages, charges and caveats shall be determined as follows:

- (a) the priority for caveats lodged pursuant to section 115 and notified in the land-register shall be determined in accordance with section 119; and
- (b) the priority for mortgages and statutory charges (including those instruments registered under the Registration of Deeds Act and subsequently notified on the folio when created) shall be determined in accordance with section 48.

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(2) Where any instrument (including a mortgage, charge or caveat) was materially amended pending its final registration or notification in the land-register, as the case may be, section 48 (1) shall apply, *mutatis mutandis*, to the determination of its priority in accordance with this section.

(3) The respective priorities of mortgages, charges and caveats as determined in subsection (1) shall apply only to those mortgages, charges and caveats which were subsisting at the date of surrender and have not been discharged, withdrawn or cancelled at the date of the issue of fresh title to the land or part thereof.

18. The Collector may refuse to accept the surrender of any title to land for the reissue of title where he is satisfied that the proprietor or owner of the land intended for surrender has not complied with any existing law or the lawful requirements of any Government authority.

Collector may refuse to accept surrender of title to land for reissue of title.

19.—(1) Land not subject to the provisions of this Act may be brought under the provisions of this Act.

Primary applications.

(2) Subject to this section, a primary application may be made by —

(a) a person entitled whether at law or in equity to an estate in fee simple or in perpetuity in the land to which the application relates; or

(b) a person entitled either at law or in equity to a leasehold estate having an unexpired term of not less than 10 years on the date of the lodgment of the application in the land to which the application relates.

(3) The Registrar shall not entertain an application made by —

(a) a mortgagor, unless the mortgagee has consented thereto; or

(b) a trustee, unless he has the power to sell the land or unless the application is consented to by a majority in number of such of the beneficiaries as are sui juris at the date of the application.

(4) A primary application shall be made in the approved form and shall be accompanied by such evidence and documents of title as the Registrar may require.

(5) The Registrar may approve or reject an application to bring land under the provisions of this Act.

(6) The Registrar may, in his discretion, refer any primary application to any legally qualified person for investigation of and report upon the applicant's title, and having regard to —

(a) the report of the legally qualified person; and

(b) the evidence of identity and location of the land,

the Registrar shall approve or reject the application.

(7) Where any primary application is approved by the Registrar, the Registrar shall bring the land under the provisions of this Act by creating one or more folios for the land and notify thereon, in such a manner as to preserve their priority, such particulars as he thinks fit of all subsisting mortgages or other encumbrances to which the land is subject at the time of bringing the land under the provisions of this Act.

(8) Where, in an application under this section, the evidence of title does not justify the creation of an unqualified folio, the Registrar may create a qualified folio for the land to which section 25 shall apply.

(9) Unless expressly prohibited by the terms of its memorandum of association, charter or other constitution, any corporation, whether sole or aggregate, shall be deemed to have power to apply to the Registrar to bring land under the provisions of this Act, and the application may be made on behalf of the corporation by its managing director, manager, secretary or by an attorney appointed in that behalf by the corporation under its common seal.

(10) Where the Registrar creates a folio qualified or unqualified as to title, any subsisting mortgage registered under the Registration of Deeds Act in respect of land comprised in the folio shall, when notified on the folio, be deemed to be a registered mortgage under the provisions of this Act and the provisions of this Act applicable to registered mortgages shall apply to that mortgage and all the rights and powers vested in the mortgagee and the obligations of the mortgagor to that mortgage shall, notwithstanding this section, continue to be in force as between the mortgagee and the mortgagor.

(11) When a folio has been created pursuant to this section, then, except as provided in subsection (12), the Registration of Deeds Act shall cease to apply to the land therein comprised and the Registrar of Deeds shall cause an appropriate entry or endorsement to that effect to be made in the register kept under that Act.

(12) The Registration of Deeds Act shall continue to apply to any documents relating to any trust, probate and letters of administration and any settlement created under

any instrument which were subsisting in the land comprised in a qualified folio immediately before the date of the creation of the folio provided that such document shall not in any manner purport to convey, mortgage or discharge any estate or interest in land comprised in such a folio and the Registrar of Deeds shall have the power to refuse to register any such document which is contrary to this subsection.

(13) A folio, qualified or unqualified as to title, created under this section may, if the circumstances so require, be qualified as to the boundaries and dimensions of the land therein comprised, and section 165 shall apply, mutatis mutandis, thereto.

20. When land has been brought under the provisions of this Act pursuant to a primary application, the Registrar shall —

Action following bringing of land under this Act.

- (a) upon the creation of a folio unqualified as to title, cancel all assurances lodged to support the primary application in so far as they relate to the registered land, and retain in his possession or under his control such assurances as have been wholly cancelled; and
- (b) upon the creation of a folio qualified as to title, cancel the last conveyance passing title to the person who is recorded in the folio as the registered proprietor of the land comprised in the folio.

Division 2 — Qualified titles

21.—(1) Upon the endorsement on any conveyance registered under the Registration of Deeds Act of the certificate required by section 7 (2) of that Act, the Registrar of Deeds shall forward the conveyance to the Registrar who may deliver it to the person entitled thereto, or he may elect to bring the land comprised therein under the provisions of this Act by creating a qualified folio for the land.

Registrar may bring land under this Act when conveyance is registered under Registration of Deeds Act. Cap. 269.

(2) The Registrar shall not bring the land comprised in a conveyance referred to in subsection (1) under the provisions of this Act unless the conveyance purports to convey —

- (a) an estate in fee simple (whether at law or in equity);
- (b) an estate in perpetuity created by a statutory land grant; or
- (c) an estate held under a lease from the State having an unexpired term of not less than 10 years on the date the Registrar received the conveyance from the Registrar of Deeds.

(3) Subject to the provisions of this Division, the land comprised in a qualified folio shall be held and may be dealt with by the proprietor therein named in the same manner and subject to the same exceptions as similar tenure comprised in the folios which are not qualified as to title.

(4) Section 19 (10), (11) and (12) shall apply, mutatis mutandis, to a qualified folio created under this section.

(5) The Registrar shall cancel any conveyance pertaining to any land which is brought under the provisions of this Act pursuant to this section.

(6) In this section, “conveyance” includes assignment and other assurance made by deed, deed of assent or settlement of an estate or interest in land or on any other dealing which disposes of wholly any freehold or leasehold estate referred to in subsection (2).

Registrar
may bring
land under
this Act after
examining
instruments
registered
under
Registration
of Deeds
Act.
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22.—(1) Notwithstanding section 19, the Registrar may, after examining the instruments registered under the Registration of Deeds Act or copies thereof, elect to bring the land comprised therein under the provisions of this Act by creating a qualified folio for the entire parcel of land or, where there are several parcels of land or the land has been subdivided and each part thereof has been allotted with a separate survey lot number, by creating a separate folio for each survey lot.

(2) The Registrar shall not bring any land under the provisions of this Act unless —

(a) the estate in the land is comprised in a State title for —

- (i) an estate in fee simple;
- (ii) an estate in perpetuity; or
- (iii) a leasehold estate having an unexpired term of not less than 10 years on the date of the commencement of the examination of the records referred to in subsection (1); or

(b) the reversionary interest in the land is vested in the State and a lease has been issued by the owner of an estate in the land comprised in a State title, such leasehold title having an unexpired term of not less than 10 years on the date of the commencement of the examination of the records referred to in subsection (1).

(3) The Registrar may give notice of his intention to bring any parcel of land under the provisions of this Act by inserting a notice in one or more newspapers and such a notice may set out particulars of the name of the owner and his last recorded address as shown in the Registry of Deeds where the Registrar is unable to obtain all the necessary particulars from the owner himself.

(4) Sections 19 (10), (11) and (12) and 21 (5) shall apply, *mutatis mutandis*, to the land comprised in the qualified folio.

23.—(1) Where the owner of any estate or interest in unregistered land has obtained permission under the Planning Act or any other written law to develop or subdivide his land before or after 1st March 1994, he shall, for the purpose of dealing with the unregistered land or any part thereof, produce to the Registrar all the title deeds necessary for deducing a good title to the land.

Registrar may bring land approved for subdivision or development under this Act.
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(2) The Registrar, on receipt of the title deeds, may —

- (a) give a written direction to the owner of the land to surrender his title to the President for the reissue of a new title;

- (b) bring the land under the provisions of this Act by creating a folio, qualified or unqualified as to title, for the land; or
- (c) issue to the owner a certificate to the effect that this section shall not apply to the title held by him.

(3) Where the title to the land has been surrendered to the President pursuant to subsection (2) (a), the President shall, upon being satisfied with the title of the owner and on payment by the owner of all costs and expenses of or consequent to the surrender, proceed with the alienation of the appropriate estate of the land in accordance with the terms of the surrender.

(4) Sections 8 to 16 shall apply, mutatis mutandis, to any land alienated by the President pursuant to subsection (3).

(5) Upon the creation of a qualified folio for the land under subsection (2) (b), the Registrar shall cancel any conveyance relating to the land comprised in that folio.

(6) Section 19 (10), (11) and (12) shall apply, mutatis mutandis, to the land comprised in the qualified folio issued under this section.

(7) On the production to the Registrar of Deeds of a certificate issued by the Registrar pursuant to subsection (2) (c), an assurance of the whole or any part of any land referred to in such a certificate may be registered under the provisions of the Registration of Deeds Act.

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(8) Subject to subsection (1), where any unregistered land comprises any subdivided building or where the owner has notified the Registrar in writing that any building to be erected thereon is intended to be dealt with in parts after subdivision approval therefor has been granted under the Planning Act, the Registrar shall —

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- (a) proceed under subsection (2) (a); or
- (b) proceed under subsection (2) (b),

except that in any case where the Registrar is unable to proceed under paragraph (a) or (b), he may, in his discretion, proceed under subsection (2) (c).

(9) This section shall not apply to —

- (a) a leasehold title having an unexpired term of less than 10 years on the date the title deeds are produced to the Registrar pursuant to subsection (1); or
- (b) unregistered land where permission for the subdivision of any building erected thereon was granted by the authority for the time being charged with the responsibility of controlling or supervising the subdivision of land and an assurance of part of that subdivided building was registered under the provisions of the Registration of Deeds Act before 15th May 1968 except where the whole of the estate in the unregistered land comprising the subdivided building has wholly become vested or subsequently vests in the same proprietor at any time on or after 15th May 1968, this section shall apply to that unregistered land.

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(10) Subject to subsections (2) (c) and (9) —

- (a) no assurance of any unregistered land or any part thereof to which subsection (1) applies shall be registered under the Registration of Deeds Act; and
- (b) upon receipt from the competent authority under the Planning Act of a notice in writing or of an approved plan relating to the grant of permission to develop or subdivide any unregistered land or building, the whole or part of which is dealt with under any assurance, the Registrar of Deeds may refuse to register that assurance when presented for registration.

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24. A qualified folio created pursuant to this Division may, if the circumstances so require, be qualified as to the boundaries and dimensions of the land therein comprised, and section 165 shall apply, mutatis mutandis, thereto.

Boundaries and dimensions of land comprised in a qualified folio. Cautions and lapsing of cautions.

25.—(1) Upon the creation of a qualified folio, the Registrar shall enter thereon a caution warning persons dealing with the registered proprietor therein named that the land comprised therein is held subject to any interest which affected it at the date of the creation of that folio, and

so long as the caution remains on that folio that land shall be so held.

(2) In favour of any purchaser of an entire estate or interest in any land comprised in a qualified folio who is registered as the proprietor in the qualified folio, a caution entered on the qualified folio whether before or after 1st March 1994 lapses, in respect of that estate or interest, on the expiration of 5 years from the date of the last conveyance which was cancelled by the Registrar upon the creation of the qualified folio.

(3) A mortgagee or chargee shall not be regarded as a purchaser for the purposes of subsection (2).

(4) When a caution lapses pursuant to subsection (2), the lapsed caution shall constitute a defunct entry and the Registrar shall, after the lodgment of an application in the approved form made by the proprietor of the land cause an entry to be made in respect of the lapsing of the caution.

(5) Upon the lapsing of a caution pursuant to subsection (2), the folio shall cease to be qualified and the land comprised therein shall thenceforth be held subject only to such interests as are registered or notified on the folio and to such interests as are otherwise excepted by section 46.

(6) Any person deprived of land by the operation of this section shall not by reason of that deprivation have any claim against the assurance fund.

(7) For the purposes of subsection (2), "conveyance" has the same meaning as in section 21 (6).

Cancellation
of cautions.

26.—(1) Where the Registrar has entered a caution on a qualified folio pursuant to section 25, the proprietor of the land comprised in that folio may apply to the Registrar in the approved form for the cancellation of the caution if he is able to deduce a title for a continuous period of not less than 12 years at the date of his application and is able to satisfy the Registrar that there are no outstanding interests which are not notified on that folio.

(2) Upon proof to the satisfaction of the Registrar that subsection (1) has been complied with, the Registrar shall enter on the qualified folio a notification cancelling the caution.

(3) For the purposes of section 155, the person upon whose application a caution is cancelled shall be deemed to be the person upon whose application the land was brought under this Act.

27.—(1) The Registrar shall enter on a qualified folio a notification of any caveat or other subsisting encumbrance —

Prior encumbrances to be notified on a qualified folio.

(a) which is apparent to him from the records maintained at the Land Titles Registry (including the Caveat Index) at the time of the creation of that folio; and

(b) which is subsequently brought to his attention as in this section provided.

(2) Any person claiming an interest in land which was subsisting at the date of the creation of a qualified folio for that land other than an interest excepted by section 46 may, so long as the folio remains qualified as to title, protect that interest by lodging a caveat pursuant to section 115, and the Registrar shall enter a notification of such a caveat in that folio.

(3) The proprietor in whose name a qualified folio has been created shall lodge with the Registrar a statement setting out particulars of any subsisting interest affecting the land therein comprised which is known to him and which is not already notified pursuant to subsection (1) other than an interest excepted by section 46 and any interest claimed under a caveat under the Registration of Deeds Act notwithstanding that the land at the time when the interest arose was unregistered land, and the Registrar shall enter a notification of that interest on that folio.

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(4) The proprietor named in a qualified folio who —

(a) has knowledge of an encumbrance or interest affecting the land comprised therein which is not notified on the relevant folio; and

(b) disposes of or otherwise deals with or creates any interest in that land without having lodged a statement pursuant to subsection (3),

shall be guilty of an offence and shall be liable on conviction

to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) An interest notified on the folio pursuant to this section is an interest within the meaning of section 46, but its notification shall not give the interest to which it relates any greater operation or effect than it has under the instrument creating it.

(6) Any interest notified on the folio pursuant to this section shall not, by reason of any provision of this Act, lose any priority which that interest would otherwise have had.

PART IV

REGISTRATION

Land-
register.

28.—(1) The Registrar shall cause a register (referred to in this Act as the land-register) to be maintained for the purposes of this Act.

(2) The land-register shall comprise —

- (a) folios;
- (b) dealings registered therein under this Act; and
- (c) instruments and other documents in the approved form registered or notified under this Act.

(3) The land-register may be maintained in or upon any medium or combination of mediums capable of having information recorded in or upon it or them.

(4) The Registrar may, from time to time, vary the manner or form in which the whole or part of the land-register is maintained.

Folios of
land-register.

29.—(1) The Registrar shall create a folio for any land by making a record of —

- (a) a description of the land and of the estate or interest therein for which it is created;
- (b) a description of the proprietor for the time being of the estate or interest and such other particulars as the Registrar thinks fit; and
- (c) such particulars, as the Registrar thinks fit, of —

- (i) other estates or interests, if any, affecting the land; and
- (ii) other information, if any, that relates to the land or any estate or interest therein and is included in that record pursuant to this Act or any other written law or an instrument made under such written law,

and by allocating a distinctive reference to the record so made.

(2) The Registrar may at any time create a new edition of a folio showing only subsisting entries and omitting therefrom all entries that have been determined or have ceased to have any effect.

(3) Where a person is registered as proprietor of a lease registered under this Act, the Registrar may, if he thinks fit, create a folio or folios for the estate or interest of that person in some or all of the land leased and may, for the purposes of this subsection, require the production to him of the duplicate registered lease.

(4) The Registrar may, if he thinks fit, create a new folio or new folios for the whole or any part of the land comprised in one or more of the folios.

(5) The Registrar may create a folio in respect of several parcels of land that are not contiguous if, in his opinion, the relative positions of those parcels can be sufficiently and conveniently shown on the plan filed with and approved by the Chief Surveyor.

(6) Where two or more parcels of registered lands are intended to form the common property of one or more subdivided buildings, the Registrar may, notwithstanding sections 8 to 13, 19 and 21 to 23, on an application made in the approved form by the proprietor of those adjoining parcels of land, create a single folio, qualified or unqualified, as the case may be, for those parcels of land even though they may be of different tenure.

(7) Where, under this Act, the Registrar creates a new folio for land comprised in a previously created folio, he shall cancel the previously created folio and may, for the purposes of this subsection, require the production to him of any certificate of title or duplicate registered dealing.

(8) The Registrar shall have, and shall be deemed always to have had, power to cancel in such manner as he considers proper any entry or notification in the land-register that he is satisfied does not affect the land to which the entry or notification purports to relate.

(9) The Registrar shall maintain a record of all dealings recorded in, or action taken in respect of, a computer folio and such other information, if any, relating to the folio as he thinks fit.

New folios of
land-register.

30.—(1) The Registrar may create a new manual folio in the following cases:

- (a) where, in the opinion of the Registrar, it is impracticable to make further endorsements on an existing manual folio; and
- (b) where the certificate of title of the land comprised in an existing manual folio has been mutilated or defaced or is in such condition that, in the opinion of the Registrar, it should not be delivered.

(2) Where the land is comprised in a manual or computer folio, the Registrar may create a new folio —

- (a) where, upon registration of a transfer or transmission, the transferee or applicant has become the proprietor of an undivided share as tenant in common of the whole of the land in an existing folio;
- (b) where two or more parcels comprised in one or more folios have been amalgamated and allotted with a survey lot number by the Chief Surveyor;
- (c) where the proprietor of any land comprised in one or more existing folios has lodged the certificates of title thereof and has requested the Registrar —
 - (i) to create a new folio for the land comprised therein;
 - (ii) to create new folios for separate parts of the land therein comprised in

accordance with lots in any lawful subdivision or layout; or

- (iii) to create a new folio comprising contiguous parcels in substitution for two or more existing folios;

- (d) in any other case where the Registrar is authorised or considers it practicable to create a new folio.

(3) Upon the creation of a new folio, the Registrar shall cancel the previous folio and shall indicate thereon the serial number of the new folio or folios and the reason for its cancellation.

(4) Subject to any agreement to the contrary, the proprietor in whose name a new folio is to be issued shall, as between him and any person with whom he has dealt, be liable for the cost of creating that folio.

(5) A new folio created pursuant to this section may, if the circumstances so require, be qualified as to boundaries and dimensions and section 165 shall apply, mutatis mutandis, thereto.

31. Section 13 of the State Lands Act and the covenants or conditions pursuant to that Act prohibiting or restricting the division or partition of land shall not apply to registered land.

Covenants restricting subdivision of land in State titles not to apply to registered land.
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32.—(1) Where the competent authority appointed under the Planning Act, or any other authority controlling or supervising the lawful subdivision of land, has granted subdivision approval for any land comprised in one or more folios which has been mortgaged or charged, any registered mortgagee or chargee (hereinafter called the applicant) may, with the written consent of his registered mortgagor or where default is made in the payment of the interest, principal or other moneys secured by the mortgage or charge or in payment of any part thereof, make an application together with the certificate of title for the creation of new folios for the separate subdivided lots.

Creation of new folios of land-register on application of mortgagee or chargee.
Cap. 232.

(2) Where the registered mortgagor has given his consent for the application made by his registered mortgagee, the consent shall be endorsed on the application form lodged with the Registrar for creation of the new folios in accordance with subsection (1).

(3) Where the applicant is not the first registered mortgagee or chargee, the consent of mortgagees and chargees having priority to the applicant's mortgage or charge shall be endorsed on the application.

(4) The Registrar shall not be concerned to enquire whether any default referred to in subsection (1) has occurred or whether notice has been given of the application for new folios under this section or whether the right conferred upon the mortgagee or chargee under this section is otherwise properly or regularly exercised.

Contingent
interests.

33.—(1) A new folio shall not be created in favour of —

- (a) a person entitled to a bare power of appointment over land; or
- (b) a person or class of persons entitled only to a contingent interest in land.

(2) Any instrument creating an interest mentioned in subsection (1) shall be registered by entering a memorial thereof on the current folio evidencing the title to the land in question.

(3) For the purposes of this section, persons entitled in default of execution of a power of appointment, or who are unascertained at the date of entry of such a memorial, shall be deemed to have contingent interests.

Certificates
of title.

34.—(1) The Registrar may, if he thinks fit, from time to time issue a certificate of title for the land comprised in any folio and may, for the purposes of subsection (4), require the production of any existing certificate of title or other registered instruments.

(2) A certificate of title shall be in an approved form.

(3) Every certificate of title shall bear a serial number which shall show clearly the distinctive reference allocated to the folio.

(4) When the Registrar issues a certificate of title, he shall cancel any certificate of title thereby superseded and produced or is otherwise available to him.

(5) Notwithstanding subsection (1) but subject to subsection (6), the Registrar shall issue a certificate of title for the land comprised in a folio upon the written request of —

- (a) the registered proprietor of that land; or
- (b) any registered mortgagee or chargee of that land.

(6) A request made under subsection (5) shall not require the Registrar to issue a certificate of title for the land comprised in a folio if a certificate of title for the land has been issued but has not been lodged with the Registrar.

35. The Registrar may —

- (a) deliver a certificate of title or any registered instrument and related documents in his custody to the person who lodged the documents unless that person has lodged an approved form with the Registrar authorising the Registrar to deliver the documents to some other person; and
- (b) where he is unable to determine to whom the certificate of title or registered instrument and related documents should be delivered, deliver it to the person he considers best entitled to the certificate of title or registered instrument or document or may retain them in the Land Titles Registry, and thereafter deliver them to the party adjudged by a court to be entitled to them or to a firm of solicitors authorised in writing by the Law Society of Singapore by its authorised officer.

Delivery of certificates of title, etc., after registration.

36.—(1) Every manual folio duly authenticated under the hand and seal of the Registrar shall be received in all courts as evidence of the particulars therein set forth and that the land therein comprised has been duly brought under the provisions of this Act and shall be conclusive evidence that the person named as proprietor therein or in any memorial thereon is, or was at the relevant time, entitled to the estate or interest in the land therein specified and described.

Land-register as evidence.

Cap. 97.

(2) Notwithstanding section 35 of the Evidence Act, a print-out of a computer folio issued by the Registrar and bearing a facsimile of the Registrar's seal shall be received in all courts as evidence of the particulars therein set forth and shall be conclusive evidence that the land therein comprised has been duly brought under the provisions of this Act and that the person named as proprietor therein or in any memorial thereon is, or was at the relevant time, entitled to the estate or interest in the land therein specified and described.

(3) Where, in a manual folio or a print-out of a computer folio, the estate or interest of a registered proprietor is expressed to be subject to —

- (a) an estate or interest evidenced by an instrument;
- (b) a provision of an instrument; or
- (c) an enumerated provision of any Act,

the whole of the contents of that instrument, provision or enumerated provision, as the case may be, shall be deemed to be set forth at length in the folio or print-out.

(4) Where a copy of a manual folio duly certified by the Registrar as a true copy or a print-out of a computer folio issued by the Registrar and bearing a facsimile of the Registrar's seal is before a court in any action or suit, it shall have the same value in evidence as the original folio.

(5) Where the Registrar is required by law to produce at any place or to any person a computer folio, he shall comply with that requirement by issuing a print-out of the computer folio and by causing the print-out to be produced at that place or to that person.

Registration
and priority
of
instruments.

37.—(1) The Registrar shall register an instrument in the following manner:

- (a) where the relevant folio is a manual folio, by endorsing a memorial of the essential particulars of the instrument in the form approved by the Registrar on that folio and duly signed and sealed and dated by the Registrar; or
- (b) where the relevant folio is a computer folio, by entering a memorial in the computer folio

containing the essential particulars of the instrument registered, including the date of registration,

except that where an instrument affects only a registered lease and no folio has been created for the land leased, it shall be sufficient for the purposes of this Act if the particulars of the instrument are recorded on that registered lease.

(2) Where two or more instruments which affect the same land have been lodged for registration at the same time by the same person and are awaiting registration, the Registrar shall register the instruments in the order in which he is requested in the lodgment application to do so by the person lodging the instruments.

(3) Where two or more instruments which affect the same land have been lodged by different persons or by the same person at different times and are awaiting registration, the Registrar shall, subject to subsection (4), register them in the order which would give effect to the intentions of the parties as expressed in, or apparent to him from, the instruments.

(4) Where the intentions of the parties referred to in subsection (3) appear to the Registrar to conflict, the Registrar shall register the instruments in the order in which they were lodged in registrable form, or were made registrable, as the case may be.

(5) When instruments affecting the same estate or interest in any land have been registered, they shall, notwithstanding any express, implied or constructive notice, be entitled to priority according to the order in which they are registered and not according to the date of the respective instruments.

(6) For a manual folio, the memorial shall bear the signature and seal of the Registrar or a facsimile thereof and the date of registration.

(7) For a computer folio, the memorial need not bear the signature of the Registrar but shall show the date of registration and shall be authenticated in such manner as the Registrar considers appropriate.

(8) Where registration has been effected pursuant to subsection (1) (a) or (b), the person who is named therein as taking an estate or interest becomes the proprietor of that estate or interest.

(9) The Registrar, on being satisfied that any entry in the land-register has ceased to affect the land to which it purports to relate, may of his own motion cancel that entry.

Restrictions
on
Registrar's
powers of
registration.

38.—(1) The Registrar shall not register any instrument purporting to transfer or otherwise to deal with or affect registered land except in the manner herein provided, nor unless the instrument is substantially in accordance with the provisions of this Act.

(2) The Registrar shall not enter in the register a notification of any transaction the legal effect of which is personal only or which does not create a recognised interest in land.

(3) The Registrar shall not register as proprietor any person or body other than a natural person, or a corporation, or a foreign state in the name of that state, or a body expressly empowered by statute to hold land.

(4) The Registrar shall not accept for registration any instrument unless the fees prescribed in respect thereof have been deposited or partially paid.

Proprietors
under
disability.

39.—(1) Where it appears to the Registrar that a person acquiring title under any instrument is an infant or is suffering from any other legal disability, he shall notify the disability in the memorial of registration and in any new folio which may be created in favour of that person.

(2) Where a disability has been so notified, the Registrar shall not register any instrument executed by the person under disability unless the instrument gives effect to a transaction approved by the court or otherwise proved to the satisfaction of the Registrar to be within the capacity of that person.

Corpora-
tions.

40.—(1) In favour of any purchaser of registered land, a corporation shall be deemed to have the same powers of acquisition and disposition as a natural person of full age and legal capacity.

(2) This section shall apply to all corporations whether sole or aggregate, whether created by any written law or otherwise, and notwithstanding any stipulation, restriction, or qualification imposed in the constitution of the corporation or elsewhere.

(3) Nothing in this section shall be held to diminish the personal liability of any individual or group of individuals controlling or responsible for the management of a corporation for acting in excess of its corporate powers.

(4) Where a corporation holds land in a fiduciary capacity, this section shall not be held to extend the powers of the corporation in respect of that land nor otherwise to affect the liability of the corporation to the beneficiaries for acting in excess of those powers.

41. Where a party entitled to registration under an instrument dies before registration of the instrument, the Registrar may nevertheless register the instrument in the name of that party. Death of party.

42.—(1) Where the Registrar has issued a certificate of title in respect of any registered land comprised in any folio, that document shall be produced for the purpose of effecting registration of any instrument lodged in the Land Titles Registry and for the purpose of entering endorsements of the memorial of registration in that folio. Entries on instruments of title.

(2) The Registrar may dispense with production of a certificate of title referred to in subsection (1) or a duplicate lease for any of the following purposes or in any of the following cases:

- (a) for the entry of a caveat;
- (b) for the registration of a writ of execution or order of court;
- (c) for the registration of a statutory charge including a charge in favour of the Central Provident Fund Board;
- (d) in any case where express provision to do so is made by this Act or any other written law;

- (e) where satisfactory evidence has been furnished to show that the certificate of title or duplicate lease has been lost, mislaid, destroyed or is being improperly or wrongfully withheld; or
- (f) for the registration of any transfer or other instrument pursuant to a writ or order of court as defined in section 131.

(3) In any case under subsection (2) (e), the Registrar may require the person seeking registration to furnish evidence that the certificate of title or duplicate lease has not been deposited as security for a loan and to advertise (in such manner as the Registrar may direct) the application to dispense with production.

Replacement
certificates of
title.

43.—(1) The Registrar may issue a replacement certificate of title to replace any certificate of title which has been lost or destroyed or which is being improperly or wrongfully withheld.

(2) Every replacement certificate of title shall be an exact copy of the relevant folio except that only subsisting instruments and entries shall be shown on the folio, and shall be as valid as the certificate which is lost, destroyed or withheld, and shall be usable for any purpose for which that certificate might have been used.

(3) Application for a replacement certificate of title may be made by the proprietor of the land comprised therein, or by any person claiming through him, and shall be supported by evidence of the loss or destruction and, in the case of loss, by such evidence of search for the certificate as the Registrar may require.

(4) The Registrar, before issuing a replacement certificate of title, may give 14 days' notice of his intention to do so in one or more daily newspapers.

(5) The Registrar shall enter in the relevant folio a notification of the issue of any replacement certificate of title and that notification shall operate to cancel the lost or withheld certificate for all purposes notwithstanding the fact that the certificate may subsequently be recovered.

44.—(1) Where land has been brought under the provisions of this Act, the Registrar may deal with the documents of title lodged with the Registrar for the purpose of bringing the land under this Act in the following manner:

Disposal of antecedent documents of title and defunct instruments.

- (a) retain the documents in the Land Titles Registry;
- (b) microfilm and transfer the documents to the National Archives to be dealt with as if they were public records for the purposes of the National Archives of Singapore; or
- (c) subject to subsection (2), destroy the documents.

(2) The Registrar shall not destroy a document of title referred to in subsection (1) unless —

- (a) where the relevant folio is unqualified on the date of its issue, a period of 12 years has elapsed since the date of the creation of the folio; or
- (b) where the relevant folio was qualified, a period of 12 years has elapsed since the date when the folio becomes unqualified.

(3) Subject to subsection (4), the Registrar may destroy —

- (a) any instrument lodged with the Registrar for registration of another instrument and the instrument has since the registration of the other instrument become defunct; and
- (b) any certificate of title which has been cancelled pursuant to the issue of a new certificate of title or pursuant to the vesting of the land comprised in the certificate of title in the Government.

(4) Before destroying any of the instruments or certificates of title referred to in subsection (3), the Registrar shall cause them to be microfilmed.

(5) The Registrar may deal with documents of title lodged for the purpose of bringing land under the provisions of the repealed Land Titles Act in force immediately before 1st March 1994 in accordance with this section as if they were lodged after that date under the provisions of this Act.

Cap. 157,
1985 Ed.

PART V

EFFECT OF REGISTRATION

Division 1 — Indefeasibility and priority

Instruments
ineffectual
until
registered.

45.—(1) No instrument until registered as in this Act provided is effectual to pass any estate or interest in land under the provisions of this Act, but upon registration of an instrument the estate or interest therein specified shall pass, or the land shall become liable as security for the payment of money (as the case may be), subject to such covenants and conditions as are set forth in the instrument and are capable of taking effect, and subject to such covenants and conditions as are by law declared to be implied in instruments of a like nature.

(2) Nothing in this section shall be construed as preventing any unregistered instrument from operating as a contract.

(3) This section shall apply notwithstanding the provisions of any written law for the compulsory acquisition or other statutory vesting of land.

Estate of
proprietor
paramount.

46.—(1) Notwithstanding the existence in any other person of any estate or interest, whether derived by grant from the State or otherwise, which but for this Act might be held to be paramount or to have priority, and notwithstanding any failure to observe the procedural requirements of this Act, any person who becomes the proprietor of registered land, whether or not he dealt with a proprietor, and notwithstanding any lack of good faith on the part of the person through whom he claims, shall hold that land free from all encumbrances, liens, estates and interests whatsoever except such as may be registered or notified in the land-register, but subject to —

- (a) any subsisting exceptions, reservations, covenants and conditions, contained or implied in the State grant or State lease thereof;
- (b) any subsisting easement or public right of way which was in existence at the date on which the land was brought under the provisions of this Act and any right on, above or under any land created before or after 1st March 1994 in favour of a public authority under any statute and any

statutory easement implied under sections 98, 99, 101, 102 and 104;

(c) any statutory obligation as defined in section 142;

(d) the power to correct errors conferred on the Registrar by section 159;

(e) the power to rectify the land-register conferred upon the court by section 160;

(f) the rights of any person in occupation of the land under a tenancy when the proprietor became registered as such, provided that —

(i) the term of the tenancy when created before 1st March 1994 did not exceed 3 years and could not have been extended by exercise of an option of renewal to exceed an aggregate of 3 years; and

(ii) the term of the tenancy when created after 1st March 1994 does not exceed 7 years and could not have been extended by exercise of the option of renewal to exceed an aggregate of 7 years; and

(g) the power conferred on the court to make a declaration in respect of any transfer or an order to rectify the land-register and the power conferred on the Registrar to suspend or cancel the registration of the transfer and any relating instrument by section 24 of the Residential Property Act in respect of any residential property (the expressions “transfer” and “residential property” to have the meanings assigned by that Act). Cap. 274.

(2) Nothing in this section shall be held to prejudice the rights and remedies of any person —

(a) to have the registered title of a proprietor defeated on the ground of fraud or forgery to which that proprietor or his agent was a party or in which he or his agent colluded;

- (b) to enforce against a proprietor any contract to which that proprietor was a party;
- (c) to enforce against a proprietor who is a trustee the provisions of the trust;
- (d) to recover from a proprietor land acquired by him from a person under a legal disability which was known to the proprietor at the time of dealing; or
- (e) to recover from a proprietor land which has been unlawfully acquired by him in purported exercise of a statutory power or authority.

(3) Nothing in this section shall confer on a proprietor claiming otherwise than as a purchaser any better title than was held by his immediate predecessor.

(4) For the purposes of subsection (1), “public authority” includes any corporation sole or body corporate incorporated under any written law.

Exonerated
from effect
of notice.

47.—(1) Except in the case of fraud, no person dealing with a proprietor or with a person who is entitled to become a proprietor shall be required or in any manner concerned to inquire or ascertain the circumstances in or the consideration for which the current proprietor or any previous proprietor is or was registered, or to see to the application of the purchase money or any part thereof, or is affected by notice (actual or constructive) of any bankruptcy proceeding, trust or other unregistered interest whatsoever, any rule of law or equity to the contrary notwithstanding; and the knowledge that any unregistered interest is in existence shall not of itself be imputed as fraud.

(2) The protection afforded by this section shall commence at the date of the contract or other instrument evidencing such dealing.

Cap. 337.

(3) Section 18 (2) and (3) of the Trustees Act shall not apply to any dealing by a proprietor of registered land.

Priority
determined
by order of
registration.

48.—(1) Except as provided in section 27 (6), interests appearing in the land-register shall have priority according to the order of their registration or notification, irrespective of the dates of the instruments by which those interests were created or are evidenced except that where an instrument

was materially amended for compliance with the requirements of the Registrar, the priority of that instrument shall be determined by reference to the date of its rectification and acceptance as being in order for registration in the Land Titles Registry.

(2) Subject to section 11, interests notified on the folio may include mortgages, charges (including statutory charges) and leases registered in the Registry of Deeds.

(3) Any interest registered or notified in the land-register may, by an instrument of postponement in the approved form, be postponed to any other interest so registered or notified.

(4) Upon registration of an instrument of postponement, the interests of the parties concerned shall rank in priority in the order therein expressed except that no person holding any registered or notified interest shall be bound by such postponement unless he is a party or has consented thereto.

(5) An instrument of postponement may relate to the whole or any part of the land affected by the interest postponed.

49.—(1) Except in the case of fraud, the entry of a caveat protecting an unregistered interest in land under the provisions of this Act shall give that interest priority over any other unregistered interest not so protected at the time when the caveat was entered.

Priority of
unregistered
interests.

(2) Knowledge of the existence of an unregistered interest which has not been protected by a caveat shall not of itself be imputed as fraud.

(3) For the purposes of this section, the lodgment of an instrument for registration under the provisions of this Act shall have the same effect as the entry, on the date of such lodgment, of a caveat protecting the interest claimed under that instrument; but nothing in this section shall otherwise give to any unregistered interest any greater effect than it may have under the instrument by which it was created.

(4) Any priority conferred by this section on an unregistered interest shall be lost if the caveat or other instrument in respect of which it is claimed lapses, or is withdrawn, or is otherwise disposed of.

Division 2 — No title by adverse possession

No title by
adverse
possession.

Cap. 163.

50. Except as provided in section 172 (8) and (9), no title to land adverse to or in derogation of the title of a proprietor of registered land shall be acquired by any length of possession by virtue of the Limitation Act or otherwise, nor shall the title of any proprietor of registered land be extinguished by the operation of that Act.

PART VI

INSTRUMENTS

Approved
forms.

51.—(1) The forms from time to time approved by the Registrar shall be used for all instruments intended to affect registered land.

(2) The Registrar may register any instrument containing departures from an approved form and the instrument shall be deemed to be in a form approved by the Registrar.

Registration
of mortgage,
charge or
lease.

Cap. 129.

52.—(1) Every mortgage, charge or lease presented for registration need not be lodged in duplicate except for a lease issued by the Housing and Development Board under Part IV of the Housing and Development Act.

(2) Upon registration of any mortgage, charge or lease, the Registrar shall enter a statement on the mortgage, charge or lease to the effect that it has been registered and, where such instrument is accompanied by a certificate of title, or lease the Registrar shall —

- (a) in the case of a manual folio or lease, endorse a memorial of the date of registration of the mortgage, charge, or lease on the certificate of title or lease, and deliver the duplicate certificate of title or duplicate lease to the person entitled to the custody thereof; and
- (b) in the case of a computer folio, issue a new edition of the certificate of title showing the relevant entry of the memorial of registration of the mortgage, charge or lease and deliver a print-out of the certificate of title with such entry to the person entitled to the custody thereof.

(3) In the absence of any express agreement to the contrary, the mortgagee, chargee or lessee shall be entitled to the custody of the certificate of title or duplicate lease.

53.—(1) In every instrument affecting registered land, co-tenants claiming under the instrument shall, unless they are described as tenants in common, hold the land as joint tenants; and if they are described as tenants in common, the shares in the registered land to be held by them shall, subject to subsection (2), be specified in the instrument. Manner of holding by co-owners.

(2) Persons described as tenants in common shall, in the absence of any expression to the contrary, be presumed to be entitled in equal shares.

(3) Tenants in common who intend to hold their estate or interest in land as joint tenants may jointly declare by an instrument of declaration in the approved form that they hold the estate or interest in their respective shares in the registered land as joint tenants of the entire estate or interest thereof.

(4) Upon the registration of an instrument of declaration referred to in subsection (3) —

(a) where all the tenants in common of the entire estate or interest in the registered land are the declarants — the estate or interest which they held in their respective shares as tenants in common immediately before such registration shall vest in them as joint tenants; or

(b) where not all the tenants in common of the entire estate or interest in the registered land are the declarants —

(i) the estate or interest which the declarants held in their respective shares as tenants in common immediately before such registration shall vest in the declarants as joint tenants; and

(ii) the declarants and the other tenants in common shall continue to hold their estate or interest in their respective shares as tenants in common in accordance with subsections (1) and (2).

(5) Without prejudice to any rule or principle of law relating to severance of a joint tenancy, any joint tenant may sever a joint tenancy of an estate or interest in registered land by an instrument of declaration in the approved form and by serving a copy of the instrument of declaration personally or by registered post on the other joint tenants.

(6) Upon the registration of the instrument of declaration which has been duly served as required by subsection (5), the respective registered estates and interests in the registered land shall be held by the declarant and the remaining joint tenants as tenants in common in their respective shares.

(7) Where a joint tenant holds an estate or interest in registered land on trust, the severance of the joint tenancy shall not affect the rights of the beneficiary of the trust or the operation of the law relating to breaches of trust.

Description
of land.

54.—(1) Every instrument lodged for registration shall refer to the folio and the lot intended to be dealt with.

Cap. 232.

(2) Where a dealing referred to in an instrument affects part of any land comprised in a folio and such dealing does not contravene the provisions of the Planning Act or require the allocation of a new survey lot number by the Chief Surveyor for that part of the land, the instrument lodged for registration shall be accompanied by a plan which will enable the land to be identified with certainty.

Memo-
randum of
prior
encumbrances.

55.—(1) Instruments intended to dispose of or to create any interest in registered land shall contain in a memorandum of prior encumbrances a brief description of any interest affecting that land which has been registered or notified in the land-register.

(2) Failure to comply with subsection (1) shall not prevent registration of the instrument unless, in the opinion of the Registrar, completion of the memorandum is necessary to indicate the order of registration of two or more instruments.

(3) Any error in or omission from the memorandum of prior encumbrances shall not operate to invalidate the registration of an instrument.

56.—(1) Except as provided in subsection (2), every instrument purporting to dispose of or to create an interest in registered land shall be executed by the proprietor or proprietors thereof named in the land-register at the time of registration of the instrument.

Proprietor must execute instrument.

(2) This section shall not prevent the registration of any instrument executed by —

- (a) the survivor or survivors of joint proprietors;
- (b) the personal representative of a deceased proprietor in severalty;
- (c) the attorney or other agent authorised in accordance with Part XVI;
- (d) the sheriff or other officer of a court acting under a writ, order or decree of a court of competent jurisdiction;
- (e) the proprietor under his lawfully altered name where such name is different from that registered in the land-register; or
- (f) any person empowered in that behalf, directly or indirectly, by this Act or any other written law.

(3) Before registering any instrument executed by a person other than the proprietor named in the land-register, the Registrar may require production of the instrument, authority or evidence empowering or enabling that person to execute.

57.—(1) The Registrar shall accept as proof of due execution of an instrument intended for registration under this Act if the instrument is presented in the following manner:

Attestation and proof of execution.

- (a) where a person, other than a party to the instrument, attests the instrument; or
- (b) where the execution by a party is not apparently attested, the solicitor has signed the certificate of correctness referred to in section 59, and —
 - (i) where such instrument is executed in Singapore, the Registrar shall presume that it has been duly executed in the

presence of the solicitor who has signed the certificate of correctness; or

- (ii) where such instrument is executed outside Singapore, the Registrar shall presume that the solicitor who signed the certificate of correctness has satisfied himself that the execution of that instrument has been attested.

(2) The Registrar may, in any case in which he has reason to suspect impropriety or where the instrument is executed by a marksman or by a person who appears to be illiterate, require any of the parties to the instrument or his respective witness to appear before him or before any person nominated by him for the purpose of proving the due execution of the instrument.

Execution of instruments by corporations.

58.—(1) In favour of purchasers, an instrument dealing with registered land shall be deemed to have been duly executed by a corporation aggregate if the seal of the corporation is affixed thereto in the presence of and attested by its secretary or other permanent officer, and by a member of the board of directors, council or other governing body of the corporation.

(2) Where a seal purporting to be the seal of a corporation appears to have been affixed to an instrument in accordance with subsection (1), the instrument shall be deemed to have been executed in accordance with the requirements of this section.

(3) Any mode of execution or attestation authorised by law or by practice or by the written law, charter, memorandum or articles, deed of settlement or other instrument constituting the corporation or regulating the affairs thereof shall, in addition to the modes authorised by this section, be effectual as if this section had not been enacted.

Certificate of correctness.

59.—(1) The Registrar may reject any application to bring land under the provisions of this Act, or any other instrument purporting to deal with or to affect registered land, unless there is endorsed thereon a certificate by the person acquiring title and a certificate by the person divesting title under this Act that it is correct for the purposes of this Act.

(2) The certificate by the person acquiring title or divesting title shall imply representations that to the best of the signatory's knowledge and belief and in so far as he has any reasonable means of ascertaining —

- (a) the instrument is made in good faith;
- (b) the matters set forth therein are substantially correct; and
- (c) in the case of —
 - (i) a person acquiring title, the person acquiring title thereunder accepts proprietorship and (unless otherwise expressed in the instrument) is of full age and legal capacity; or
 - (ii) a person divesting title, the person divesting title thereunder is the party entitled to divest the interest under the instrument and is of full age and legal capacity.

(3) The certificate by the person acquiring title shall be signed by the solicitor employed by the party acquiring title under the instrument and the certificate by the person divesting title shall be signed by the solicitor employed by the party divesting title under the instrument except that if a solicitor is not so employed, the certificate shall be signed by the party himself or, in the case of a corporation, by a responsible officer of the corporation.

(4) Each certificate shall indicate in legible characters the name and capacity of the signatory.

(5) Where the certificate is signed by any party (including a solicitor who is a party acquiring or divesting title under the instrument), or by an officer of any corporation, divesting or acquiring title, the Registrar may in order to satisfy himself as to the identity and capacity of the signatory require such person to appear before him.

(6) Any person who falsely certifies to the correctness of any application, dealing or caveat shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and such penalty shall not prevent a person who may have sustained any damage or loss in consequence of errors or mistakes in any such certified

application, dealing or caveat from recovering damages against the person who has certified the same.

(7) In any instrument which is registered under the provisions of this Act either before or after 1st March 1994, any reference to “Certificate of Correctness” shall be construed as a reference to a certificate of correctness given pursuant to this section or any corresponding provision in any repealed enactment.

(8) For the purposes of this section, “solicitor” means a solicitor who has in force a practising certificate issued under the Legal Profession Act.

Cap. 161.

Address for
service of
notices.

60.—(1) Every instrument by which a person becomes a proprietor of registered land and every caveat relating to dealings with land (whether registered or unregistered) shall contain an address within Singapore to which may be sent any notice concerning the land authorised or required by this Act.

(2) The proprietor or caveator may from time to time notify the Registrar in writing of any change of his address, and the Registrar shall make an appropriate record of the change.

(3) Any notice sent by registered post to the last recorded address of a proprietor or a caveator shall be deemed to be duly served on the person to whom it is addressed two days after the day on which the notice was posted by registered post, notwithstanding the fact that the letter may be returned by the post office as undelivered.

Cap. 61.

(4) Section 72 of the Conveyancing and Law of Property Act shall not apply to the service on a proprietor or on a caveator of any notice authorised or required by this Act.

Instruments
to take effect
as deeds.

61.—(1) Upon registration, any instrument disposing of or creating an interest in registered land shall have the effect of a deed.

(2) Nothing in this Act shall prevent a party to an instrument affixing his seal thereto or giving to the instrument any additional form of solemnity not inconsistent with the provisions of this Act.

62.—(1) In instruments registered under the provisions of this Act, unless a contrary intention is expressed, covenants relating to land shall be deemed to be made by the covenantor and his successors in title with the covenantee and his successors in title and shall have effect as if such successors were expressly referred to therein.

Covenants in instruments: Words of succession implied.

(2) Nothing in this section shall enlarge or extend the power of a covenantor to burden land in the hands of his successors in title.

PART VII

TRANSFERS

63.—(1) The proprietor of an estate in land, or of a lease, mortgage or charge, may transfer the same by an instrument of transfer in the approved form, and upon the registration of such instrument the estate or interest of the transferor as therein set forth, together with all easements, rights and powers belonging or appertaining thereto, shall pass to and be vested in the transferee thereof as proprietor.

Form and effect of transfers.

(2) On the registration of any transfer of a mortgage or charge, the transferee shall become entitled to all of the rights, powers and remedies of the mortgagee or chargee expressed or implied in the mortgage or charge, including the right to recover any debt, sum of money, annuity or damages (notwithstanding that the same may be deemed or held to constitute a chose in action), and all interest in any such debt, sum of money, annuity or damages shall vest at law as well as in equity in that person.

64.—(1) On the registration of a transfer of land subject to a mortgage or charge, and whether the transfer is executed by the transferee or not, there shall be implied a covenant by the transferee to pay the moneys and to perform the obligations secured by the mortgage or charge, and to perform and observe the covenants and provisions thereof, and to indemnify and keep harmless the mortgagor or chargor in respect of those moneys, obligations, covenants and provisions.

Transfers of land subject to mortgage or charge.

(2) The covenant implied by this section may be negated by an express statement in the transfer.

Estates for life and in remainder.

65.—(1) Registered land may be transferred for an estate for a life or lives (either with or without a power of appointment over the reversion or remainder), or for an estate in remainder expectant upon the determination of a life or lives, by an instrument of transfer in the approved form, modified as the circumstances may require.

(2) Upon the registration of such a transfer, the Registrar shall create a folio for the particular estate, or for the estate in reversion or remainder, or for both, as the transferee may require.

Merger of contract in transfer.

66. All obligations created by a contract for the sale of registered land shall, upon registration of the transfer giving effect to the contract, be deemed to have merged in that transfer unless express provision in writing is made to the contrary.

Merger of registered interests.

67. Where upon the registration of a transfer or other instrument the interests of —

- (a) lessor and lessee;
- (b) mortgagor and mortgagee; or
- (c) chargor and chargee,

vest in the same proprietor, any intention to merge such interests shall be evidenced by a surrender of lease, or by a discharge of mortgage or of charge, as the case may be.

PART VIII

MORTGAGES AND CHARGES

Division I — Mortgages of registered land

Form and effect of mortgages and charges.

68.—(1) Registered land may be mortgaged to secure payment of a debt by an instrument of mortgage in the approved form.

(2) Registered land may be charged to secure payment of a rentcharge, annuity or other periodical sum, or of any money other than a debt, by an instrument of charge in the approved form.

(3) A mortgage shall not operate as a transfer of the land mortgaged, but shall have effect as a security only.

(4) There may be included in an instrument of charge such covenants or provisions as the parties think fit for disposing of the moneys which may arise on the exercise by the chargee of his power of sale, either by setting aside the proceeds of sale or part thereof on investment to meet future periodical payments, or by payment to the chargee of such proceeds or part thereof being the estimated capital value of the chargee's interest, or otherwise.

69.—(1) The provisions of Part IV of the Conveyancing and Law of Property Act shall apply, *mutatis mutandis*, to mortgages and charges registered under the provisions of this Act.

Application of Conveyancing and Law of Property Act.
Cap. 61.

(2) In every mortgage of registered land (unless a contrary intention is expressed), there shall be deemed to be included the covenant and proviso implied by section 31 of the Conveyancing and Law of Property Act.

(3) For the purposes of this section, and without in any way limiting its generality, unless the context or subject-matter otherwise indicates or requires, where used in the Conveyancing and Law of Property Act —

“conveyance” includes an instrument of transfer of registered land;

“deed” includes any instrument registered under this Act;

“mortgage” includes a mortgage or a charge registered under this Act, and “mortgagor” and “mortgagee” have corresponding meanings;

“reconveyance” includes a discharge in the approved form.

(4) To the extent to which any provision of the Conveyancing and Law of Property Act is inconsistent with any provision of this Act, the provisions of this Act shall prevail.

70. Where the Minister has pursuant to section 170 made rules to prescribe standard covenants and conditions which are to apply to mortgages, such prescribed covenants and conditions shall from the date of operation of the relevant rule be deemed incorporated in mortgages made on or after that date unless varied or negated by express provision in the mortgage.

Standard terms and conditions applicable to mortgages.

Sub-
mortgages.

71.—(1) In this section, “submortgage” means the mortgage of a mortgage and the mortgage of a charge.

(2) Upon the registration of a submortgage, all acts, powers and rights which might previously have been done or exercised by the mortgagor or chargor thereunder in relation to the land may thereafter be done or exercised by the registered proprietor of the submortgage, and shall not be done or exercised by the mortgagor or chargor thereunder during the currency of the submortgage.

(3) A submortgage shall not affect the rights or liabilities of a proprietor of the land who has not been given notice thereof.

Custody of
instruments
of title.

72. A first mortgagee shall, as between himself and the mortgagor, be entitled to custody of the instruments of title to the mortgaged land so long as any liability under the mortgage subsists, but upon a request by the mortgagor, and upon payment of his proper costs and expenses, the mortgagee shall produce such instruments at the Land Titles Registry to allow the registration of any subsequent mortgage which is not prohibited by the terms of the prior mortgage, or of any other authorised dealing by the mortgagor.

Transfers
made in
exercise of
power of
sale.

73.—(1) The Registrar shall register in the manner prescribed by section 37 any transfer in the approved form by a mortgagee or chargee made in exercise of a power of sale, without being concerned to inquire whether default has occurred, or whether notice has been given, or whether the power was otherwise properly or regularly exercised.

(2) Upon registration of such a transfer, the interest of the mortgagor or chargor as described therein shall pass to and vest in the transferee freed and discharged from all liability on account of —

- (a) that mortgage or charge;
- (b) any mortgage or charge registered subsequent thereto;
- (c) any lease registered subsequent to the mortgage or charge mentioned in paragraph (a) and which is not binding on the transferor; and

- (d) any interest which is registered or notified subsequent to the mortgage or charge mentioned in paragraph (a) (including any interest claimed under a caveat) and which is not binding on the transferor.

74.—(1) The money received by a mortgagee who has exercised his power of sale, after discharge of prior encumbrances to which the sale is not made subject (if any), or after payment into court under the Conveyancing and Law of Property Act of a sum to meet any prior encumbrances, shall be held by him on trust to be applied —

Application
of proceeds
of sale.

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- (a) firstly, in payment of all costs and expenses properly incurred as incidental to the sale or any attempted sale, or otherwise;
- (b) secondly, in discharge of the mortgage money, interest and costs, other money and liability (if any) secured by the mortgage; and
- (c) thirdly, in payment of subsequent mortgages and charges (if any) in the order of their priority,

and the residue of the money so received shall be paid to the person who appears from the land-register to be entitled to the mortgaged property or to be authorised to give receipts for the proceeds of the sale thereof.

(2) The money received by a chargee who has exercised his power of sale, after discharge of prior encumbrances to which the sale is not made subject (if any), shall be held by him on trust to be applied —

- (a) firstly, in payment of all costs and expenses properly incurred by him as incident to the sale or any attempted sale, or otherwise;
- (b) secondly, in accordance with any express provision in the instrument of charge (as authorised by section 68 (4)) for disposing of such money and, in the absence of any express provision, in discharge of the money due to the chargee at the date of the sale; and
- (c) thirdly, in payment of subsequent mortgages and charges (if any) in the order of their priority,

and the residue of the money so received shall be paid to the person who appears from the land-register to be entitled to the charged property or to be authorised to give receipts for the proceeds of the sale thereof.

(3) Where by this section a mortgagee or chargee is required to account to a subsequent chargee for money arising on a sale, such money shall be paid or applied in accordance with the express provision (if any) in the instrument of charge for disposing of such money, and, in the absence of express provision, in discharge of the money due to the chargee at the date of the sale.

Entry into
possession.

75.—(1) If default is made in payment of the interest, principal or other money, secured by a mortgage or charge, or in payment of any part thereof, the mortgagee or chargee shall, as against the mortgagor or chargor and those claiming through or under him, be entitled to enter into possession of the mortgaged or charged land and to receive the rents and profits thereof.

(2) The power of entry into possession conferred by this section shall not be exercised until one month's notice has been given to the mortgagor or chargor.

(3) Subject to this section, a mortgagee or chargee shall have the like remedies for obtaining possession of the mortgaged or charged land as are by law given to a landlord against a lessee or tenant whose term is expired or whose rent is in arrear.

(4) Whenever a mortgagee or chargee has given notice of his intention to enter into receipt of the rents and profits of the mortgaged or charged land to the tenant or other person liable to pay or account for them, the receipt in writing of the mortgagee or chargee shall be sufficient discharge for any rents and profits therein expressed to be received, and any person paying them shall not be bound or concerned to inquire as to any default or other circumstance affecting the right of the person to give such notice beyond the fact of his being duly registered as mortgagee or chargee of the land.

Foreclosure
of mortgages.

76.—(1) In the interpretation of any law relating to foreclosure of mortgage, unless repugnant to the context, a mortgagor of registered land who is in default shall be deemed to have an equity of redemption, and a mortgagee

of registered land shall have the same right to apply to the court for an order for foreclosure as if the land were not under the provisions of this Act and the mortgagee held a legal estate therein.

(2) Where the court has made an order for foreclosure upon an application made by a mortgagee of registered land, the mortgagee in whose favour the foreclosure order is made shall lodge an application in the approved form together with an office copy of the court order with the Registrar for the purpose of registering the court order under this Part; and the Registrar upon being satisfied that the court order is in order for registration shall register the order by entering a memorial of the court order in the relevant folio, and the court order when so entered in the land-register shall have the effect of vesting in the applicant mortgagee all the estate and interest of the mortgagor in the land referred to in the court order freed from all right and equity of redemption on the part of the mortgagor, and freed and discharged from all liability on account of any mortgage, charge or other interest, registered subsequently thereto except such leases or other interests as may be binding on the applicant mortgagee.

77.—(1) Upon fulfilling his obligations under a registered mortgage or charge, a mortgagor or chargor shall be entitled, subject to section 22 of the Conveyancing and Law of Property Act, to obtain from the proprietor of the mortgage or charge a registrable discharge. Right to discharge.
Cap. 61.

(2) A mortgagor or chargor shall not be bound to account to any person who has acquired an interest in the mortgage or charge unless the transfer or other instrument whereby that person became entitled has been registered and the mortgagor or chargor has been notified in writing of its registration.

(3) For the purpose of enforcing the right to obtain a discharge conferred by this section, the mortgagor shall be deemed to have an equity of redemption.

78.—(1) The parties may agree to the discharge of — Discharge of mortgages and charges.

(a) the whole of the mortgaged or charged land from a specified part of the principal sum or other money thereby secured;

- (b) a part of the mortgaged or charged land from the whole of the principal sum or other money thereby secured; or
- (c) the whole of the mortgaged or charged land from the whole of the principal sum or other money thereby secured, but without discharging the mortgagor or chargor from any personal obligation to pay that money.

(2) A discharge of mortgage or charge in an approved form shall be registered by entering a memorial thereof on the relevant folio whereupon the land shall be freed from the mortgage or charge and from all rights and powers of the mortgagee or chargee, either absolutely or to any lesser extent as expressed in the discharge.

(3) Where a discharge was executed as a separate instrument in respect of a mortgage registered prior to 1st March 1994, the Registrar —

- (a) shall dispense with the production of the duplicate copy of the relevant mortgage where all the land mortgaged under the mortgage was to be wholly discharged; or
- (b) may dispense with the duplicate mortgage where there is satisfactory proof that the duplicate mortgage was lost or destroyed and only part of the land mortgaged under the mortgage was to be discharged and, in such a case, the Registrar may issue, at a prescribed fee, a certified true copy of the mortgage with the appropriate entry endorsed to show the discharged lot.

Satisfaction
of charges.

79.—(1) Upon proof of the death of the annuitant, or of the occurrence of any other event or circumstance upon which the annuity or other money secured by a charge ceases to be payable, and on lodgment of an application in the approved form with the Registrar for the entry in the relevant folio of a notification of satisfaction of the charge, the Registrar shall, upon being satisfied that there are no substantial arrears of the annuity or other money, enter in the land-register a notification of satisfaction and the land shall thereupon be freed from the charge and from all rights

and powers of the chargee, but without discharging the chargor from personal liability for any money for the payment of which he has omitted to account.

(2) The Registrar may, in his discretion, accept a statutory declaration of the chargor, or other person having knowledge of the facts, in proof of the state of accounts between chargor and chargee.

(3) The Registrar shall not enter a memorial of satisfaction of a charge under this section where the money unaccounted for exceeds the sum of \$500.

80.—(1) Notwithstanding any other provision of this Act, a prior mortgagee of registered land shall have the right to make further advances or give further credit or accommodation to rank in priority to subsequent mortgages —

Tacking of further advances.

- (a) if the prior mortgage expressly authorises the making of further advances, or the giving of credit in instalments or on a current, revolving or continuing account or other accommodation; or
- (b) where the prior mortgage does not expressly authorise the making of such further advances, or the giving of credit in instalments or on a current, revolving or continuing account or other accommodation, if the subsequent mortgagee agrees to such further advances being made or credit or other accommodation being given.

(2) Except as provided in this section, the right to tack shall not apply to mortgages of registered land.

(3) For the purposes of this section —

- (a) a “prior mortgagee” includes a prior chargee or a prior assignee in whose favour an estate or interest in respect of registered land was mortgaged, charged or assigned by way of mortgage, being a mortgage or charge which is registered or notified on the land-register or claimed under a caveat; and a “prior mortgage” includes a prior charge or a prior assignment which has been either secured by a mortgage or protected by a caveat registered or notified on the land-register, as the case may be; and

- (b) a “subsequent mortgagee” includes a subsequent chargee or a subsequent assignee in whose favour an estate or interest in respect of registered land was mortgaged, charged or assigned by way of mortgage, being a mortgage or charge which is registered or notified on the land-register or claimed under a caveat; and a “subsequent mortgage” includes a subsequent charge or a subsequent assignment which has been either secured by a mortgage or protected by a caveat registered or notified on the land-register, as the case may be.

*Division 2 — Common law mortgages notified
on land-register*

Application
of this
Division.
Cap. 269.

81. This Division shall apply to a mortgage which was registered under the Registration of Deeds Act before the mortgaged land was brought under the provisions of this Act and the mortgage is notified on the relevant folio created for the land when the land is brought under the provisions of this Act either before or after the 1st March 1994.

Application
of sections 71
to 75 and 78
to 80.

82. Sections 71 to 75 and 78 to 80 shall apply, *mutatis mutandis*, to a mortgage to which this Division applies.

Mortgagee
to execute
transfer.

83.—(1) Where the mortgagee of a mortgage to which this Division applies has exercised his power of sale, the mortgagee shall execute a transfer in the approved form for the purpose of transferring all the estate and interest in the land to the purchaser.

(2) Notwithstanding the provisions of the Registration of Deeds Act, a conveyance of any land executed by a mortgagee of a mortgage to which this Division applies shall not be registered under that Act.

Discharge of
a mortgage,
etc., notified
on land-
register.

84.—(1) No instrument in respect of any future dealing with a mortgage to which this Division applies (including a reconveyance and a conveyance of the mortgagee’s estate or a sub-mortgage), or pursuant to such a mortgage, shall be registered under the Registration of Deeds Act except in respect of any dealing which has been executed by any party to the relevant instrument prior to 1st March 1994.

(2) Where the Registrar of Deeds has inadvertently accepted for registration any instrument for any dealing completed after 1st March 1994, the Registrar of Deeds may cancel the registration of the instrument after having given 21 days' notice to the person who presented the instrument for registration unless in the case of any provisional registration of the instrument, the person has agreed to withdraw the instrument from registration.

85.—(1) Where before or after 1st March 1994, the court has made an order for foreclosure in respect of a mortgage to which this Division applies, the mortgagee in whose favour the foreclosure order is made shall lodge an application in the approved form with the Registrar and not the Registrar of Deeds for the purpose of registering the court order and furnish the Registrar with an office copy of the order.

Foreclosure
of mortgages
notified on
land-register.

(2) The Registrar, upon being satisfied that the court order is in order for registration, shall register the order by entering a memorial of the court order in the relevant folio, and the court order when so entered in the land-register shall have the effect of vesting in the applicant mortgagee all the estate and interest of the mortgagor in the land referred to in the court order freed from all right and equity of redemption on the part of the mortgagor, and freed and discharged from all liability on account of any mortgage, charge or other interest registered subsequently thereto except such leases or other interests as may be binding on the applicant mortgagee.

(3) The Registrar of Deeds may refuse to accept for registration a court order referred to in subsection (1) and where the Registrar of Deeds has inadvertently accepted the order for registration, the Registrar of Deeds may cancel the registration of the order after having served 21 days' notice on the person who presented the order for registration unless in the case of any provisional registration of the order, the person has agreed to withdraw the order from registration.

PART IX

LEASES

Application
of this Part.

86.—(1) In the interpretation of this Part, unless the context otherwise indicates or requires, “lease” includes a sublease; but nothing in this Part shall be taken to authorise the breach of a covenant against subletting.

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(2) Part III of the Conveyancing and Law of Property Act shall apply, *mutatis mutandis*, to leases of registered land; but this Part shall not apply to leases of land made before that land has been brought under the provisions of this Act.

(3) Nothing in this Act shall affect any rule or principle of law relating to the quiet enjoyment of land by a lessee.

(4) Where there are standard terms and conditions applicable to leases, those terms and conditions may be incorporated in a lease by express reference thereto and they shall bind the respective lessor and lessee.

Form and
registration
of leases.

87.—(1) Registered land may be leased for any term of years exceeding 7 years by an instrument of lease in the approved form.

(2) The Registrar shall not register any lease unless —

- (a) the term is expressed to exceed 7 years;
- (b) the date of commencement of the term and its maximum duration are certain; and
- (c) the lease purports to confer on the lessee exclusive possession of land.

(3) For the purposes of this section —

- (a) the fact that the term of a lease may be extended in pursuance of an option shall be taken into consideration in determining whether the term of the lease exceeds 7 years; and
- (b) the fact that a lease for a specified period of time is determinable on the happening of an event within that time shall not be taken into consideration in determining the term of the lease.

(4) A lease is not unregistrable by reason only of the fact that the possession of the lessee is expressed to be non-continuous.

(5) Nothing in this Part shall affect the law relating to tenancies for terms of 7 years or less.

88.—(1) Registration of a lease containing an option for renewal or for purchase shall not give the option (whether in the form of a covenant or otherwise) any greater effect than it would have had without such registration. Options for renewal and for purchase.

(2) The memorial of registration of a lease containing an option shall refer to the option.

(3) After the determination of a lease containing an option, and whether or not the determination has been registered or notified on the land-register, a purchaser of land affected by the lease shall not be concerned to inquire whether any unregistered interest has been created in pursuance of the option.

(4) In registering or notifying the determination of a lease containing an option, the Registrar shall not be concerned to inquire whether the option has been exercised.

89.—(1) A lease of registered land which is subject to a mortgage shall not bind the mortgagee unless — Leases of mortgaged land.

(a) the lease is expressly or impliedly authorised, either by the mortgagee or by law; or

(b) the mortgagee consents to the lease.

(2) This section shall not entitle a mortgagee to refuse to produce the instrument of title (if in his custody) to enable a lease by the mortgagor to be registered, but the production by a mortgagee of the instrument shall not imply a consent to the lease.

(3) When evidence is furnished to the Registrar that a mortgagee has consented to a lease by the mortgagor, the Registrar shall refer to that consent in the memorial of registration of the lease.

(4) This section shall apply, *mutatis mutandis*, to leases executed by chargors of registered land.

Covenants
against
assigning and
subletting.

90. The Registrar shall not be concerned to consider whether or not any dealing by a lessee is made in breach of a covenant against assigning or subletting; but if evidence is furnished to the Registrar that a lessor has consented to a dealing by the lessee, the Registrar shall refer to that consent in the memorial of registration of the dealing.

Surrender of
leases.

91.—(1) A lease of registered land may be surrendered —

- (a) by an instrument of surrender in the approved form; or
- (b) by operation of law.

(2) A surrender shall be registered by the entry of a memorial on the relevant folio.

(3) Registration of the surrender (whether consequent upon merger or otherwise) of a lease which is subject to a sublease shall not extinguish the sublease, but the Registrar shall enter a memorial of registration of the sublease on the relevant folio, and the estate evidenced by that folio shall, to the extent and for the purpose of preserving such incidents and obligations as would otherwise have subsisted, be deemed to be the reversion expectant on the sublease.

(4) An instrument of surrender shall be executed by the lessee and by any mortgagee or chargee of the term and shall be accepted by the proprietor and by any mortgagee or chargee of the reversion.

(5) A proprietor seeking registration of a surrender by operation of law shall apply in writing to the Registrar and shall support his application by such evidence as the Registrar may reasonably require.

Determina-
tion of
leases.

92.—(1) Where a lease has been determined —

- (a) by effluxion of time;
- (b) by the happening of an event upon which the lease is expressed to determine; or
- (c) by lawful re-entry and recovery of possession,

the lessor may apply in writing to the Registrar to have a notification of the determination entered on the relevant folio.

(2) An application under this section shall be supported by evidence of the happening of the event or of the lawful re-entry.

(3) The Registrar may of his own motion enter a notification of the determination of a lease which has expired by effluxion of time.

93.—(1) In every lease of registered land made pursuant to this Act, there shall be implied the following powers in the lessor:

Implied powers of lessors.

- (a) that he may by himself or his agents twice in every year during the term at a reasonable time of the day, upon giving the lessee two days' previous notice, enter upon the leased premises and view the state of repair thereof, and may serve on the lessee a notice in writing of any defect, requiring him within a reasonable time to repair the same in accordance with any covenant in that behalf expressed or implied in the lease;
- (b) that, in default of the lessee repairing any defect according to notice, the lessor may from time to time enter the premises and effect the required repairs;
- (c) that he may by himself or his agents at all reasonable times during the term, with workmen and others and all necessary materials and appliances, enter upon the leased premises or any part thereof for the purpose of complying with any written law affecting the premises and with any notices served on the lessor or the lessee by any public authority involving the carrying out of repairs or the doing of any work or other act which the lessee may not be bound, or, if bound, may neglect to do, and also for the purpose of exercising the powers and authorities of the lessor under the lease:

Provided that such repairs, work or other acts shall be carried out or done without undue interference with the occupation and use of the premises by the lessee;

- (d) that in case the rent or any part thereof is in arrear for the space of 30 days (although no formal

demand therefor has been made), or in case default is made in the fulfilment of any covenant, condition or stipulation, whether expressed or implied in the lease, and on the part of the lessee to be performed or observed, and such default is continued for the space of 30 days, or in case the repairs required by such notice under paragraph (a) are not completed within the time therein specified, the lessor may re-enter the leased premises (or on any part thereof in the name of the whole) and thereby determine the estate of the lessee therein, but without releasing him from liability in respect of the breach or non-observance of any such covenant, condition or stipulation.

(2) The powers implied by this section may be varied or negated by express provision in the lease.

(3) This section shall be read subject to any written law imposing restrictions or conditions on re-entry or forfeiture or on ejection of tenants.

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(4) Section 10 of the Conveyancing and Law of Property Act shall apply to a lease of registered land as if the powers implied by this section had been set forth or contained in the lease.

PART X

EASEMENTS

Interpretation.

94.—(1) In this Part, “dominant tenement” and “servient tenement” mean, respectively, the land to which the benefit of an easement has been made appurtenant, and the land which is subject to the burden of an easement.

(2) Nothing in this Act shall be construed as altering the law relating to the natural rights to support, light, air, water, or to access to a highway, nor as altering any rule or principle of law which implies in the grant of an easement such ancillary rights as may be necessary for the effective enjoyment of the easement.

95.—(1) The Registrar shall not register as an easement any instrument purporting to create an interest — Licences not to be registered.

- (a) of a kind which has not been recognised by law as an easement; or
- (b) which is not expressed to be appurtenant to land (whether registered land or otherwise) of a person other than the proprietor or owner of the site of the easement.

(2) The Registrar shall not notify any licence in the land-register, but in any case where a licence relating to the use or enjoyment of land is by law binding on assigns of the licensor, the licensee thereunder shall be deemed to have an interest in the land for the purposes of section 115.

(3) An inadvertent contravention of this section shall not give to any interest a greater operation or effect than the interest would have had without registration or notification.

96. For the purposes of this Act, the fact that a right to lay or maintain pipes or other installations through the land of a proprietor confers on the person or authority entitled to that right the exclusive possession or occupation of the soil, or of the space occupied by the pipes or other installations, shall not of itself prevent the right of passage of matter or energy through the pipes or other installations being registrable as an easement. Easements for installations.

97.—(1) An easement shall not be acquired over registered land by long-continued user adverse to a proprietor, nor by prescription, nor by any presumption of a lost grant, nor by any implication of law except as may be provided in this Act; but where an easement is intended to be created, the proprietor may execute an instrument of grant in the approved form, or, if the easement is being created incidentally to a transfer or lease, by appropriate words in the transfer or lease. Registration necessary for creation of easements.

(2) An instrument of transfer which reserves out of the land transferred an easement appurtenant to other land of the transferor shall, upon registration, be effective as a regrant of the easement to the transferor without execution of the instrument by the transferee.

(3) The instrument creating an easement shall indicate clearly —

- (a) the nature of the easement and the extent of the land burdened by the easement;
- (b) the dominant tenement; and
- (c) the conditions, limitations and restrictions, if any, intended to affect the enjoyment of the easement.

(4) The servient tenement shall be described in accordance with section 54 except that where an easement relates to the passage of matter or energy through underground pipes, cables or other installations, which cannot conveniently be located, the Registrar may accept for registration an instrument in which the servient land is described approximately only.

(5) An easement shall be registered by the entry of a memorial thereof on the folio for the servient tenement.

(6) A notification of the easement shall be entered on the folio for the dominant tenement unless the proprietor thereof agrees to dispense with any notification.

(7) Where a grant of an easement over registered land is expressed to be appurtenant to land which is not under the provisions of this Act, the Registrar shall not be concerned to consider whether the person described therein as grantee is entitled to the land described as the dominant tenement if that person is expressed to be the owner for the time being of that land.

98.—(1) There shall be implied in respect of each lot of land which forms part of the same development (referred to hereinafter as the lot) —

- (a) in favour of the proprietor of the lot, and as appurtenant thereto, easements for the passage or provision of water, electricity, drainage, gas and sewerage through or by means of any sewers, pipes, wires, cables or ducts to the extent to which those sewers, pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of the lot;

Implied easements for passage of water, electricity, drainage, gas and sewerage for development.

(b) as against the proprietor of the lot, and to which the lot shall be subject, easements for the passage or provision of water, electricity, drainage, gas and sewerage through or by means of any sewers, pipes, wires, cables or ducts, as appurtenant to every other lot capable of enjoying such easements.

(2) All ancillary rights and obligations reasonably necessary to make the easements referred to in subsection (1) effective shall be implied.

(3) The easements implied by this section entitle the proprietor of the dominant tenement to enter on the servient tenement at all reasonable times to repair, renew or restore any sewers, pipes, cables, wires or ducts as shall appear necessary but the proprietor of the dominant tenement shall make good any damage caused to the servient tenement.

(4) In respect of all the easements implied by this section, there shall also be implied a covenant, binding all parties enjoying the benefit of such easements, to contribute to the cost of construction, maintenance or repair of the sewers, pipes, cables, wires or ducts — the subject of the easements — as if the easements and the covenant to contribute had been created by an instrument registered under this Act and, so long as such easements subsist, the covenant to contribute shall bind any successor in title enjoying the benefit of the easements except that such a covenant shall not be implied where the proprietor of any lot is able to show that he is entitled to enjoy the easements free from the liability to contribute.

(5) Subsection (4) shall not render any person liable to contribute to expenditure incurred at a time before he became, or after he ceased to be, a proprietor of the tenement to which the liability attached.

(6) Unity of seisin of two or more lots shall not destroy the easements implied by this section but on the cessation of such unity they shall continue in full force and effect as if the seisin had never been united.

(7) The easements implied by this section shall be enforceable without any memorial or notification on the folios, and accordingly section 97 (5) and (6) shall not apply thereto.

(8) In this section —

“lot” means a parcel of land forming part of a development, to which the Chief Surveyor has allotted a Government survey lot number;

“development” means any land subdivided into two or more lots pursuant to section 10 (3) of the Planning Act where those lots are affected by common easements for the passage or provision of water, electricity, drainage, gas or sewerage that are capable of being created as cross easements by an instrument and enjoyed as such by those lots.

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Implied easements for right of way and other rights shown in an approved subdivision plan.

99.—(1) Where the competent authority has approved the development and subdivision of any land comprised in an estate before or after 1st March 1994, there shall be implied in respect of each lot of the estate which is used or intended to be used as a separate tenement (referred to hereinafter as the lot) in favour of the registered proprietor of the lot and as appurtenant thereto, all such easements of way and drainage and for party wall purposes and for the supply of water, gas, electricity, sewerage and telephone and other services to the lot on, over or under the lands appropriated or set apart for those purposes respectively on the approved subdivision plan relating to the estate as may be necessary for the reasonable enjoyment of the lot and of any building or part of a building at any time thereon.

(2) All ancillary rights and obligations reasonably necessary to make the easements referred to in subsection (1) effective shall be implied.

(3) In respect of all the easements implied by this section, there shall also be implied a covenant binding all registered proprietors enjoying the benefit of such easements to contribute to the cost of maintenance or repair of the subject of the easements as if the easements and the covenant to contribute had been created by an instrument registered under this Act and so long as such easements subsist the covenant to contribute shall bind any successor in title enjoying the benefit of the easements except that in the case

of the right to erect and maintain party walls, the implied covenant provided in this subsection shall bind only the registered proprietors of the lots on which party walls have been erected.

(4) Subsection (3) shall not render any person liable to contribute to expenditure incurred at a time before he became, or after he ceased to be, a proprietor of the lot to which the liability attached.

(5) The easements implied by this section shall be enforceable without any memorial or notification on the folios, and accordingly section 97 (5) and (6) shall not apply thereto.

(6) Unity of seisin of two or more lots shall not destroy the easements implied by this section but on the cessation of such unity they shall continue in full force and effect as if the seisin had never been united.

(7) The easements implied by this section shall not apply to the lots in an estate where subdivision approval was given by the competent authority prior to 1st March 1994 and satisfactory documentary evidence has been produced to the Registrar of the completion of the transfer of any lot in the estate to a purchaser with easements expressly created in an instrument which has been executed and delivered to the purchaser.

(8) In this section —

“competent authority” means the competent authority appointed under section 3 of the Planning Act;

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“estate” means land which has been subdivided into lots under the Planning Act where those lots include land intended for use as easements to be made appurtenant to other lots within the same estate as shown in the subdivision plan approved by the competent authority, a copy of which is deposited with the Registrar; and may include undeveloped lots in the course of erection which are shown in the first subdivision plan approved by the competent authority and is capable of being subdivided as shown in one or more approved subsequent subdivision plans as and when issued by the competent authority and copies of the subdivision plans have been delivered to the Registrar;

“lot” means a parcel of land forming part of an estate to which the Chief Surveyor has allotted a Government survey lot number and also described as a “plot” in a subdivision plan approved by the competent authority under the Planning Act.

Cap. 232.

Extinguishment by union of tenements.

100.—(1) Except as provided in sections 98 and 99, where upon the registration of a transfer or other instrument, the same person becomes the proprietor for the same estate and in the same interest of both dominant and servient tenements, it shall be the duty of that proprietor to indicate the fact of such union of tenements in the instrument by which it is effected and, upon the registration of that instrument, the Registrar shall, at the request of the proprietor, cancel the registration and notification of the easement except that where the survey lots have been amalgamated as one new survey lot by the Chief Surveyor pursuant to the application made by the proprietor to him, the Registrar shall, as soon as he becomes aware of that amalgamation, cancel the registration and notification of the easement.

(2) For the purposes of this section, parcels of land shall not be deemed to be held for the same estate and in the same interest while one of those parcels is subject to a registered mortgage, charge or lease.

Easements to pass on transfer without express mention.

101.—(1) Upon registration of a transfer or lease of land to which an easement is appurtenant, the easement shall pass to the transferee or lessee without any express mention in the transfer or lease.

(2) Where a transfer of part of a dominant tenement contains an express agreement that the easement shall not pass to the transferee, registration of the transfer shall operate to release the easement to the extent to which it had been appurtenant to the part transferred.

(3) Except as provided in subsection (2), an easement, so long as it subsists, shall continue to be appurtenant to every part of the dominant tenement notwithstanding severance.

Contribution to repairs.

102.—(1) Where an instrument creating an easement contains a covenant binding either party to contribute to the cost of construction, maintenance or repair of any way, wall,

drain or any other matter (the subject of the easement), then, unless a contrary intention is expressed in the instrument, so long as the easement subsists the covenant shall bind any successor in title to that party as if the successor had been a party to the original covenant.

(2) This section shall not render any person liable to contribute to expenditure incurred at a time before he became, or after he ceased to be, a proprietor of the tenement to which the liability is attached.

(3) For the purpose of subsection (2), any liability of a proprietor of an easement shall cease from the time at which he delivers to the proprietor of the servient tenement a registrable release of the easement.

103.—(1) In an instrument purporting to create a right of way over registered land, the expressions “right of carriage way” and “right of footway” shall have the same effect as if there had been inserted in lieu thereof the words respectively contained in Parts I and II of the Schedule. Grant of right of way.

(2) The expressions referred to in subsection (1) shall not have the meaning attributed to them by this section if any alteration is made in the expressions otherwise than by means of a proviso thereto.

104.—(1) In this section, “conveyance” has the same meaning as in section 2 of the Conveyancing and Law of Property Act, and it includes instruments of transfer taking effect under this Act. Party walls. Cap. 61.

(2) Where in a conveyance of land made by a person entitled to convey or to create easements in respect of a wall built on the common boundary of that land and adjoining land so that the boundary passes longitudinally through the wall (whether centrally or otherwise), the wall is described as a “party wall”, that expression means (unless a contrary intention appears) a wall severed vertically and longitudinally with separate ownership of the severed portions, and with cross easements entitling each of the persons entitled to a portion to have the whole wall continue in such a manner that each building supported thereby will have the support of the whole wall, and the conveyance shall operate to create such easements accordingly.

(3) Upon the registration of the conveyance creating any party wall, the Registrar shall include in a memorial entered for the conveyance on the relevant folio a reference to the creation of the party wall rights over the lot numbers as described in the conveyance.

Release of easements.

105.—(1) An easement over registered land may be released by an instrument of release in the approved form.

(2) Where an easement over unregistered land is made appurtenant to registered land, the easement may be released in any manner in accordance with law.

Cancellation of easements.

106.—(1) The Registrar shall cancel the registration or notification of an easement upon proof to his satisfaction that —

- (a) any period of time for which the easement was intended to subsist has expired;
- (b) any event upon which the easement was intended to determine has occurred; or
- (c) the easement has been abandoned.

(2) Where an application is made to the Registrar in the approved form and evidence is furnished to the Registrar of non-user of an easement for a period exceeding 12 years, he may, without further evidence of abandonment, give notice to the proprietor of the dominant tenement and, in the absence of objection by that proprietor within one month from the service of the notice, treat the easement as abandoned.

PART XI

TRANSMISSIONS

Transmission on death of proprietors in severalty.

107.—(1) Personal representatives or any other person claiming land of a deceased proprietor may apply in the approved form to become registered as proprietors by transmission of the land, and upon proof of their representation or claim, the Registrar shall enter on the folio a memorial of registration in accordance with section 37.

(2) An application under this section by a person claiming land of a deceased proprietor otherwise than as personal representative shall not be registered unless it can be established to the satisfaction of the Registrar that a transfer to that person by the personal representative is not reasonably practicable.

(3) The Registrar may, in his discretion, register a transmission application by the Public Trustee acting in his capacity under section 6 of the Public Trustee Act in the administration of an estate in respect of which representation has not been taken out. Cap. 260.

(4) For the purposes of this section, “personal representative” includes —

- (a) the administrator of an executor; and
- (b) the executor of an administrator.

108. Upon production of the grant of probate of the will or letters of administration of the estate of a deceased proprietor, the Registrar may, without requiring a transmission application, register — Dealings without transmission.

- (a) any transfer by the personal representative expressed to be made —
 - (i) in pursuance of a devise in the will of the proprietor;
 - (ii) in exercise of a power of appropriation of the assets of the proprietor;
 - (iii) in pursuance of an appointment of new trustees of the proprietor;
 - (iv) by way of distribution under the intestacy of the proprietor; or
 - (v) in pursuance of a contract entered into by the proprietor in his lifetime;
- (b) a discharge of a mortgage or charge of which the deceased person was the proprietor; and
- (c) a surrender of a lease of which the deceased person was the proprietor.

109.—(1) Notwithstanding the existence of any law empowering less than the full number of personal representatives to deal with the estate of a deceased person, the Full number of personal representatives required.

Registrar shall not register any dealing pursuant to section 108 nor any transmission application made by less than the full number of personal representatives then living except that, where in a grant of probate leave has been reserved to one or more executors to come in and prove, the Registrar shall not be concerned to inquire whether double probate has been granted.

(2) An executor who has neglected to become registered as proprietor after obtaining a grant of double probate may nevertheless join in or consent to instruments executed by his co-executors.

Transmission
on
bankruptcy.

110.—(1) The Official Assignee claiming land under an adjudication of bankruptcy of a proprietor or under an order for administration in bankruptcy of the estate of a deceased proprietor may apply in the approved form to become registered as proprietor by transmission of the land so claimed, and upon proof of such adjudication or order, the Registrar shall enter on the folio a memorial of registration in accordance with section 37.

(2) Notwithstanding the provisions of any written law relating to bankruptcy for the time being in force, the vesting of registered land pursuant to proceedings thereunder shall be subject to the registration of a transmission application as provided in this section.

(3) For the purposes of this Act, any dealing with land of which the Official Assignee is the proprietor may be executed by the Official Assignee for the time being.

Caveats by
Official
Assignee.

111. Where the Official Assignee is entitled to take possession of land of a proprietor under a receiving order, or under an appointment of an interim receiver, he may lodge a caveat pursuant to section 115.

Bankruptcy:
Effect of
disclaimer,
discharge
and
annulment.

112. Notwithstanding the provisions of any written law relating to bankruptcy for the time being in force, no disclaimer, nor order for the discharge of a bankrupt, nor order for the annulment of an adjudication in bankruptcy, shall operate to divest the Official Assignee of registered land of which he is the proprietor until he has executed and caused to be registered such transfers or other instruments as may be necessary to give effect to any such disclaimer or order.

113. On registration of any transmission application in accordance with this Part — Effect of transmission.

- (a) the estate and interest of the former proprietor, as set forth in the land-register, together with all easements, rights and powers, thereto belonging or appertaining, shall pass to and be vested in the person so registered as proprietor; and
- (b) that person shall hold the land in trust for the persons and purposes for which it is applicable by law; but for the purpose of any dealing under the provisions of this Act, and notwithstanding the fact that his description may indicate a fiduciary capacity, he shall be deemed to be the absolute proprietor of the land.

114.—(1) Upon the death of a joint tenant or of a life tenant of registered land, the proprietor who has become entitled to that land consequent upon that death may apply in the approved form to have the death notified in the land-register. Notice of death or defeasance.

(2) Upon proof to his satisfaction of such a death, the Registrar shall make such entries in the land-register as may be necessary to indicate that the interest of the deceased proprietor has determined, and that the land has become vested in the survivor or other person entitled in reversion or remainder, as the case may be.

(3) Where a person has become entitled to registered land consequent upon defeasance of the interest of the proprietor of that land, and under circumstances in respect of which no express provision is made by this Act for registration of the interest of that person, he may apply for such registration in the approved form.

(4) Section 29 of the Estate Duty Act shall apply to registered land, and upon the death of a joint tenant or a life tenant of registered land, the Commissioner of Estate Duties shall not be required to register any instrument of charge claiming an interest in the land for estate duty payable. Cap. 96.

PART XII

CAVEATS

Caveats may
be lodged.

115.—(1) Any person claiming an interest in land (whether or not the land has been brought under the provisions of this Act), or any person otherwise authorised by this Act or any other written law to do so, may lodge with the Registrar a caveat in the approved form which shall include the following particulars:

- (a) the name of the caveator and the caveatee;
- (b) an address in Singapore at which notices may be served on the caveator and the caveatee;
- (c) particulars of the estate or interest claimed by the caveator;
- (d) the grounds in support of the claim;
- (e) the nature of the prohibition of the dealing in land;
- (f) the lot affected by the caveat and, where that lot is comprised in a folio, the folio;
- (g) where the caveat relates to only part of the land, such description of that part as will enable it to be identified to the satisfaction of the Registrar;
- (h) if the caveator is a purchaser or sub-purchaser of the interest in the land, the amount of the purchase price and the date of the caveator's contract or the date on which he exercised the option to purchase the interest in the land, as the case may be; and
- (i) the particulars required by section 19 of the Residential Property Act.

Cap. 274.

(2) A caveator may, according to the extent of his interest, forbid the registration under this Act of any dealing affecting the land against which the caveat is directed, either —

- (a) unless the dealing is expressed to be subject to the interest claimed by the caveator; or
- (b) unless the caveator or some person nominated by him in the caveat has consented in writing to such registration.

(3) For the purposes of this Part, and without limiting its generality, a reference to a person claiming an interest in land shall include a reference to any of the following persons:

- (a) any person who has an interest in the proceeds of sale of land; and
- (b) a person who has obtained an injunction in respect of an estate or interest in land.

(4) Nothing in this section shall enable a caveator or a person nominated by him in a caveat pursuant to subsection (2) (b) to withhold his consent to any dealing which a caveatee may lawfully make.

116. Where a caveat is lodged with the Registrar and before it has been accepted by the Registrar as being in order for notification, the Registrar shall — Provisional notification of caveats.

- (a) if the caveat relates to land not yet brought under the provisions of this Act, provisionally enter the particulars thereof in the Caveat Index;
- (b) if the caveat relates to a manual folio, provisionally enter the particulars thereof on the folio; and
- (c) if the caveat relates to a computer folio of the land-register, provisionally enter the particulars thereof in the Caveat Index and on the folio.

117.—(1) Where the particulars of a caveat have been provisionally entered in the Caveat Index or a folio or both, and the caveat is subsequently accepted by the Registrar as being in order for notification, the Registrar shall — Notification of caveats.

- (a) if the caveat relates to land not yet brought under the provisions of this Act, expeditiously sign and date the entry of the particulars of the caveat in the Caveat Index;
- (b) if the caveat relates to a manual folio, expeditiously sign and date the entry of the particulars of the caveat in the folio;
- (c) if the caveat relates to a computer folio, date the entry of the particulars thereof in the Caveat Index and in the computer folio,

and notify the caveatee that the caveat has been lodged and accepted by the Registrar.

(2) When any land specified in a caveat which has been notified in the Caveat Index is brought under the provisions of this Act and the caveat is notified in the land-register, the Registrar shall as soon as practicable make the appropriate entry in the Caveat Index to indicate clearly the folio created for the land.

(3) If upon investigation it is found that a caveat does not comply with the requirements of this Act, the Registrar shall give notice to the caveator of the matters in respect of which it is deficient, and if, within a period of not less than 14 days from the date of the service of the notice the caveat is not rectified, it shall be deemed to have been withdrawn and the Registrar shall cancel the entry of the notification of such a caveat in the Caveat Index or the land-register, as the case may be.

(4) Except as provided in section 127, the Registrar shall not be concerned to consider whether or not a caveator's claim is justified.

Caveats
lodged
before initial
registration.

118.—(1) Before bringing land under the provisions of this Act, the Registrar shall cause a search to be made for caveats in the Caveat Index, and upon creating a folio for that land, shall notify thereon any caveat appearing from the search to affect it.

(2) In the case of a primary application or of an application for cancellation of a caution, the Registrar may, before giving effect to the application, require the applicant to get in, or otherwise to dispose of, the interest claimed under any inconsistent caveat.

Effect of
caveats.

119.—(1) Subject to subsections (2) and (3), a caveat which is in order for notification in the land-register at the date of its lodgment shall take effect from that date.

(2) Where a caveat is lodged against any land which has not yet been brought under the provisions of this Act, that caveat shall not operate to forbid the registration of dealings affecting that land until it becomes registered land.

(3) For the purposes of according priority to a caveat which has been lodged under the provisions of this Act and is amended subsequent to its date of lodgment —

- (a) where it is materially amended subsequent to its date of notification in the Caveat Index before the land becomes registered land, the caveat shall have priority in accordance with section 48 upon the acceptance of the amendment by the Registrar as having complied with the requirements specified by the Registrar pursuant to section 117; or
- (b) where it is materially amended at any time after its lodgment against the relevant folio, the caveat shall have priority upon the acceptance of the amendment by the Registrar as having complied with the requirements specified by the Registrar pursuant to section 117.

(4) So long as a caveat remains effective, the Registrar shall not register any dealing which is prohibited by the caveat.

120.—(1) Upon lodgment of a dealing the registration of which is prohibited by a caveat, the Registrar shall serve on the caveator a notice of his intention, at the expiration of 30 days from the date of the service of the notice, to register the dealing, and he shall so register the dealing unless within the period of 30 days —

Effect of lodgment of an instrument affecting interest claimed in a caveat.

- (a) an order has been obtained from the court extending the operation of the caveat for such further period as may be specified in the order or for such further periods as may be specified in subsequent orders made by the court and the order or an office copy thereof is served on the Registrar; or
- (b) the dealing has been uplifted or withdrawn or otherwise becomes incapable of registration.

(2) For the purpose of this section, a dealing shall not be deemed to have been lodged for registration until (except for the presence of a caveat) it is in order for registration.

(3) Where, after the service of the notice under subsection (1), the dealing to which the notice relates is uplifted, or withdrawn, or otherwise becomes incapable of registration, the effect of the notice is cancelled and the caveat shall be restored to its former efficacy.

Lapsing of
caveats.

121.—(1) A caveat shall lapse and cease to affect land —

- (a) at the expiration of the period of 30 days (or of such further period as the court may direct) from the date of the service of the notice given pursuant to section 120; or
- (b) at the expiration of 5 years from the date of the lodgment of the caveat, or where an extension is validly claimed pursuant to section 122, at the expiration of each further 5-year period referred to in section 122.

(2) Where a dealing in favour of the caveator is lodged and accepted by the Registrar, and the caveator states either personally or by his solicitor or attorney that the interest in the land affected under the dealing is similar to that in the caveat, the dealing may be registered by the Registrar, and upon its registration, the related caveat shall lapse and cease to have any effect.

(3) Notwithstanding the absence of any statement made by the caveator that his interest is similar to that affected under the dealing as provided in subsection (2), the Registrar may register the dealing under the following circumstances:

- (a) in the case of a dealing disposing of an estate or interest in land, if the Registrar is satisfied that the estate or interest to which the caveator claims to be entitled would, on the dealing being registered, vest wholly in the caveator; and
- (b) in the case of an instrument of mortgage or charge, if the Registrar is satisfied that the estate or interest which the caveator claims as mortgagee or chargee is one and the same interest mortgaged or charged in the instrument of mortgage or charge and the caveator may be registered as the mortgagee or chargee.

(4) Where, after effecting service of a notice of the intention to register a dealing in accordance with section 120 (1), the Registrar registers the dealing that does not completely dispose of the estate of the registered proprietor in the land to which the caveat relates or exhaust the intended functions of the caveat, the caveat shall be deemed to have lapsed only to the extent necessary to permit the registration.

(5) Where a caveat has lapsed either wholly or partially, the Registrar shall enter in the Caveat Index or the land-register, as the case may be, an appropriate notification of the lapsing.

(6) The lapsing of a caveat pursuant to subsection (1) shall not prevent the lodgment of a fresh caveat in respect of the same matter except where a caveat has lapsed pursuant to subsection (1) (a), any further caveat lodged in respect of the same estate or interest in land claimed under that lapsed caveat and purporting to be based on the same facts as the lapsed caveat (other than a fresh caveat lodged against any person except the caveatee named in the lapsed caveat) has no effect unless the caveator has obtained leave of the court to lodge the further caveat, and that order or an office copy of that order has to accompany the further caveat when it is lodged with the Registrar.

(7) The Registrar shall not be concerned with the validity of the further caveat referred to in subsection (6) and if such further caveat is lodged without being accompanied by the order as mentioned in that subsection, the caveator shall be liable to pay compensation to any person who sustains pecuniary loss that is attributable to such an act or omission in complying with that subsection.

(8) Subsection (1) (b) shall also apply to a caveat which relates to land not brought under the provisions of this Act and was lodged and entered in the Caveat Index pursuant to sections 116 and 117.

(9) The Registrar may, after registering the dealing pursuant to subsection (3) (a) or (b), cancel the caveat.

122.—(1) At any time before a caveat has lapsed, a caveator may lodge an extension of caveat in the approved form claiming the same interest as that shown in the caveat and where such an extension of caveat has been lodged and notified in the land-register, the caveat shall not lapse until —

Extension of caveats.

- (a) the expiration of a period of 5 years commencing from the date of the lodgment of the extension of caveat which was accepted and notified on the land-register; or
- (b) where more than one extension of caveat has been lodged and notified on the land-register before

the expiration of each 5-year period from the date of the lodgment of the last extension of caveat which was accepted and notified on the folio, the expiration of a period of 5 years from the date of the lodgment of the last extension of caveat which was accepted and notified on the folio.

(2) Where an extension of caveat referred to in subsection (1) is accepted for notification in the land-register, the Registrar shall make an appropriate notification showing clearly the relationship between the extension of caveat and the caveat affected.

(3) The Registrar shall not accept an extension of caveat for the purpose of extending the period of validity of a prior caveat unless the nature of the claim in the extension of caveat is the same as that disclosed in the caveat.

(4) The Registrar shall not be concerned to consider or enquire into the validity of each claim except to satisfy himself that the claim expressed in each extension of caveat is similar to that expressed in the immediately prior caveat.

(5) This section shall also apply to a caveat which relates to land not brought under the provisions of this Act and was lodged and entered in the Caveat Index pursuant to sections 116 and 117.

(6) Where an extension of caveat is accepted for notification on the land-register, the Registrar shall notify the caveatee.

Service of
notices on
caveator.

123.—(1) Where under this Part provision is made for the service on the caveator of a notice relating to a caveat lodged under any provision of this Part, or to any proceedings in respect of such a caveat, the notice is duly served if it is served in one of the following ways:

- (a) the notice is served on the caveator personally;
- (b) the notice is left at or sent by registered post to —
 - (i) the address specified in the caveat;
 - (ii) where an address has been notified to the Registrar in respect of the caveat under subsection (2), that address or, if more than one address has been notified in

respect of the caveat under that subsection, the last of the addresses so notified;

- (c) if the caveat was signed on behalf of the caveator by an agent other than a solicitor, the notice is left at or sent by registered post to the business or residential address of that agent;
- (d) if the caveat was signed on behalf of the caveator by a solicitor, the notice is left or sent by registered post to the office of the solicitor in Singapore; and
- (e) the notice is served in any other manner, whether by advertisement or otherwise, as the Registrar may direct in writing.

(2) Where the person entitled to withdraw a caveat lodged under this Part notifies the Registrar by lodging a notice in the approved form that the name of the caveator or the address specified in the caveat for service of notice on the caveator has been changed, the Registrar shall record the change of name or address in the register maintained for changes in names and addresses or on the folio or in any other manner which is made known to any person who intends to find out the latest particulars of any caveator and thereupon the name or address so recorded shall be the name or address for service of notice on the caveator.

124. In any proceedings in respect of a caveat, the court may — Order for security, etc.

- (a) order that the caveator give an undertaking or security that the court considers sufficient to indemnify every person against any damage that may be sustained by reason of any disposition of the property being delayed or to answer the costs of the caveatee;
- (b) direct the Registrar to delay registering any instrument dealing with the land, mortgage or encumbrance during the time the order of the court provides;
- (c) direct the caveator to take further proceedings by action or otherwise on his caveat; or

(d) make any other order considered just.

Notifications
for lapsing,
cancellation
or extension
of caveats.

125. The Registrar shall make the appropriate notifications in the land-register or the Caveat Index of any lapsing, cancellation or extension of any caveat when such event has taken effect.

Withdrawal
of caveats.

126.—(1) A caveat may be withdrawn either wholly or as to part of the land thereby affected by an instrument of withdrawal signed —

(a) by the caveator or his authorised agent including a solicitor acting on his behalf;

(b) where the caveator is a natural person who has died, by his personal representative or the trustee of the caveator's estate;

(c) where two or more caveators claim to be entitled as joint tenants to the estate or interest protected by the caveat and one or more (but not all) of them has died, by the surviving caveator or caveators;

(d) where the caveator is adjudicated a bankrupt, by the Official Assignee; or where the caveator is a corporation and is in liquidation, and the estate or interest claimed by the caveator has become vested in the liquidator, by the liquidator;

(e) by the person or the committee to whom it is entrusted, pursuant to the Mental Disorders and Treatment Act, the management and care of the estate or interest claimed in the caveat; or

(f) by the solicitor acting for any of the persons mentioned in paragraphs (b), (c), (d) or (e).

Cap. 178.

(2) The Registrar shall not be concerned to satisfy himself whether or not a solicitor who signs an instrument of a withdrawal of a caveat as solicitor for the caveator or for the person mentioned in subsection (1) (b), (c), (d) and (e) has the authority to withdraw the caveat.

(3) An instrument of withdrawal of a caveat, which is lodged with and accepted as being in order by the Registrar, shall take effect from the date of the notification in the records maintained by the Registrar, either as notified in the Caveat Index or the land-register, as the case may be.

127.—(1) At any time after the lodgment of a caveat, the caveatee may summon the caveator to attend before the court to show cause why the caveat should not be withdrawn or otherwise removed, and the court may make such order, either *ex parte* or otherwise, as seems just.

Remedies of caveatee.

(2) A caveatee who contends that a caveat has been lodged, or is being allowed to remain, vexatiously or frivolously or not in good faith may lodge with the Registrar a statutory declaration to that effect, whereupon the Registrar shall give notice to the caveator that he intends to cancel the notification of the caveat, and he shall cancel it unless within 30 days from the date of the notice —

- (a) an order by the court to the contrary is served on the Registrar; or
- (b) the caveator furnishes to the Registrar satisfactory evidence to show that the cancellation should be withheld or deferred.

(3) In any case in which the Registrar, after giving the notice under subsection (2) to the caveator, does not cancel the notification of a caveat pursuant to this section, he shall inform the caveatee that he has withdrawn or extended the time of the notice of intended cancellation, as the case may be.

(4) A caveator who has been given notice pursuant to subsection (2) may, at any time during the currency of the notice, apply to the court for relief, and the court may make such order in the premises as seems just.

(5) Subsections (2), (3) and (4) shall apply only to caveats affecting registered land.

(6) For the purposes of this section, a person claiming an estate or interest in the land under another caveat shall be deemed to be a caveatee.

128.—(1) Any person who wrongfully, vexatiously or without reasonable cause —

- (a) lodges a caveat with the Registrar;
- (b) procures the lapsing of such a caveat; or
- (c) being the caveator, refuses or fails to withdraw such a caveat after being requested to do so,

Compensation payable for wrongfully lodging caveats, etc.

shall be liable to pay compensation to any person who sustains pecuniary loss that is attributable to an act, refusal or failure referred to in paragraph (a), (b) or (c).

(2) The compensation referred to in subsection (1) shall be recoverable in proceedings taken in a court by the person who claims to have sustained the pecuniary loss.

(3) A person who is a caveator shall not be entitled to bring proceedings under subsection (1) (b) if that person, having had an opportunity to do so, has failed to take all reasonable steps to prevent the caveat from lapsing.

(4) For the purposes of this section, a caveator shall be deemed to allow a caveat to remain without reasonable cause if he fails to withdraw it within 7 days of the day on which his right to the interest claimed terminates.

Registration
of dealings in
land.

129.—(1) Except in so far as it otherwise specifies, a subsisting caveat lodged to protect any estate or interest in land does not prohibit the registration or notification of any of the following dealings or instruments in respect of the same estate or interest in the land:

- (a) a transfer of land in favour of the Government by way of surrender for the purpose of reissuing one or more new titles;
- (b) an instrument of vesting pursuant to compulsory acquisition under section 143;
- (c) a transfer of land sold under section 144;
- (d) a transfer or lease executed by a mortgagee or chargee, or a registered mortgagee, or a registered chargee, under a mortgage or charge registered or notified and subsisting prior to the lodgment and notification of the caveat in the land-register, in pursuance of a power of sale or lease contained in the mortgage or charge or conferred on the registered mortgagee or registered chargee under this Act;
- (e) a discharge of a mortgage or a registered mortgage;
- (f) a transfer of a mortgage or a registered mortgage;
- (g) a transmission upon death of a registered proprietor, notice of death of one or more joint

tenants, a transmission upon a registered proprietor being adjudicated a bankrupt or on the vesting of a corporation's estate or interest in land upon the effective date of its winding up in the liquidator;

- (h) easements or restrictions which are not expressly prohibited by the caveat, or any discharge thereof;
- (i) a total or partial release of any easement or a total or partial release or extinguishment of restrictions;
- (j) a change in the name of a registered proprietor;
- (k) in relation to a lease lodged in registrable form and accepted before the lodgment of the caveat, a dealing effected by the lessee pursuant to a right conferred by the lease or by or under any existing law; and
- (l) a dealing effected by a lessee, mortgagee or chargee under a lease, mortgage or charge to the registration of which lease, mortgage or charge the caveator has consented or such lease, mortgage or charge has been made subject to the interest of the caveator as claimed in the caveat, being a dealing relating to the lease, mortgage or charge.

(2) For the purpose of subsection (1), where the Registrar registers an instrument that —

- (a) completely disposes of the estate of the registered proprietor in the land to which the caveat relates, the caveat shall lapse and cease to have any effect; or
- (b) does not completely dispose of the registered estate of the registered proprietor in the land, the caveat shall be deemed to have lapsed only to the extent necessary to permit such registration.

(3) For the purposes of subsection (2), a registration made pursuant to section 107, 110 or 114 shall be deemed not to dispose completely of the estate of the registered proprietor whose estate is transmitted under those sections.

(4) In this section —

“mortgage”, “mortgagee” and “mortgagor” are as defined in section 69;

“mortgage” includes a “sub-mortgage”, “mortgagee” includes a “sub-mortgagee” and “mortgagor” includes a “sub-mortgagor”;

Cap. 269.

“registered mortgage” means a mortgage registered under the Registration of Deeds Act and notified on the land-register and includes a charge so registered and notified; and a “registered mortgagee” has the corresponding meaning as in section 69.

Right to injunction not affected.

130. Nothing in this Part shall be construed as preventing or restricting a caveator from applying for and obtaining from a court an injunction for the purpose of —

- (a) restraining the Registrar from registering an instrument the registration of which is prohibited by the caveat; or
- (b) restraining another caveator or any party to an action or suit in which the court orders the withdrawal or removal of a caveat or in which it declines to extend the currency of a caveat from lodging another caveat in the same matter.

PART XIII

WRITS AND ORDERS OF COURT

Interpretation.

131. For the purposes of this Part, unless the context otherwise requires —

“writ” means a writ of execution issued out of any court having jurisdiction to levy execution against land, and, where the context admits, includes renewal of a writ and a second or subsequent writ on the same judgment;

“order” includes any rule or decree of any court;

“Sheriff” includes any officer directed by a court to levy execution on land.

132.—(1) A writ of execution, or an order of court directing, appointing or empowering some person other than the proprietor to sell or otherwise to deal with or dispose of registered land, shall not bind or affect such land until particulars of the writ or order have been entered in the land-register. Such entry shall constitute a memorial of registration within the meaning of section 37.

Writs and orders not binding unless registered.

(2) The person seeking registration shall lodge with the Registrar the writ or order, or an office copy thereof, together with an application indicating the titles in respect of which registration is required.

(3) The registration of a writ or order shall enable the Sheriff or other person named therein to execute instruments registrable in accordance with this Act.

(4) A writ shall not be registered unless it has been lodged for registration within 6 months of the date of its issue.

(5) Where a writ has been registered then, until its registration has been cancelled in accordance with this Act, a renewal of that writ, or a second or subsequent writ on the same judgment, shall not be registered.

133.—(1) The registration of a writ shall not prevent the lodgment of instruments executed by the judgment debtor, but any such instrument shall not be registered until registration of the writ has been cancelled as in this Act provided.

Dealings by judgment debtors.

(2) A renewal of a writ, or any second or subsequent writ on the same judgment, shall not be registered while any instrument executed by the judgment debtor is awaiting and is otherwise in order for registration.

134.—(1) Registration of a writ shall lapse, and the power of the Sheriff to execute registrable instruments pursuant thereto shall be extinguished, at the expiration of one year from the date of the registration of the writ, and the land thereupon shall cease to be bound thereby. This subsection shall not prevent the registration of a renewal of a writ, or of a second or subsequent writ issued on the same judgment except that nothing in this Act shall enable a judgment

Lapsing of writs.

creditor by a succession of writs on the same judgment to bind land for an uninterrupted period exceeding one year.

(2) Upon the lapsing of the registration of a writ, the Registrar shall, on an application made by the proprietor or of anyone claiming through him in an approved form, cancel the registration of the writ.

(3) The lapsing of the registration of a writ shall not prevent the registration of any instrument executed pursuant thereto and lodged for registration prior to such lapsing.

Land sold in
pursuance of
writs.

135.—(1) The interest in registered land which may be sold in execution under a writ shall be the interest which belongs to the judgment debtor at the date of the registration of the writ.

(2) For the purpose of determining the interest in land which belongs to a judgment debtor —

- (a) any interest in that land purported to be created subsequent to the date of the registration of the writ; and
- (b) any interest in that land created prior to the date of the registration of the writ, and not notified in the land-register nor protected by caveat at least 3 clear days before the date of the sale,

shall be void against a purchaser of the land at the sale in execution under the writ.

(3) Land shall not be sold in an execution under a writ until the expiration of 30 days from the date of the registration of the writ.

Withdrawal
and
satisfaction
of writs and
orders.

136.—(1) A writ or order of court may be withdrawn by the judgment creditor or other person for whose benefit it was issued, and the Registrar shall, upon receipt of an application made in the approved form, cancel the registration of that writ or order of court.

(2) Upon production to him of sufficient evidence of the satisfaction of a writ, the Registrar shall cancel the registration thereof.

(3) Before registering a withdrawal or a satisfaction of a writ, the Registrar may require evidence that the writ has not been put in force.

137.—(1) In all cases where a vesting order affecting registered land would be made pursuant to the Trustees Act, the court shall, in accordance with section 58 of that Act, make an order appointing a person to execute such transfers or other instruments as may be necessary to give effect to the vesting.

Vesting orders.
Cap. 337.

(2) After the registration of that order pursuant to section 132, any instrument so executed shall have effect as if it had been executed by such proprietors of the land intended to be dealt with thereunder as would be necessary to pass the registered title of the estate or interest in question.

PART XIV

RESTRICTIVE COVENANTS

138. In this Part —

“restriction” means a restriction on the user of registered land created expressly by a covenant other than a covenant contained in a mortgage, charge or lease;

“dominant land” means the land to which the benefit of a restriction is annexed;

“servient land” means the land subject to the burden of a restriction.

Interpretation.

139.—(1) Any proprietor entitled to burden registered land with restrictions may do so by an instrument in the approved form and, subject to this section, the Registrar shall enter a notification of the restrictions on the folio comprising the servient land. Unless so notified a restriction shall not bind assigns of the land affected thereby.

Notification of restrictions.

(2) The Registrar shall not enter a notification of any such instrument unless —

(a) obligations which it purports to create are negative or restrictive; and

(b) the instrument clearly indicates the dominant and servient land.

(3) The Registrar may refuse to enter a notification of an instrument purporting to create a restriction if the obligations contained in the instrument are in part positive or affirmative.

(4) An instrument containing a restraint on the right of a proprietor to alienate or otherwise to dispose of land shall not be notified on the land-register pursuant to this section.

(5) The notification of an instrument containing a restriction which would not have been binding on assigns of the servient land shall not give the instrument any greater operation or effect than it would have had without that notification.

(6) The Registrar shall not enter on the folio a notification of any restriction contained in an instrument executed before the servient land was brought under the provisions of this Act unless the restriction appears to be enforceable wholly or in part against assigns of that land.

(7) The Registrar may, upon the application of the proprietor of the servient land, or of his own motion, cancel the notification of an instrument creating a restriction which has become unenforceable against assigns of that land, or which for any reason should not have been notified.

Release and
variation of
restrictions.

140.—(1) The burden of a restriction may be released wholly or in part, and the obligation created by a restriction may be varied, by an instrument in the approved form executed by the proprietor for the time being of the dominant land and by any person having a registered interest in that land; and, upon application by the proprietor of the servient land, the Registrar shall enter a notification of that instrument on the relevant folio.

(2) Where the dominant land is not under the provisions of this Act, the Registrar shall not be concerned to investigate the title to that land.

(3) The entry of a notification of an instrument of release or variation shall not give the instrument any greater operation or effect than it would have had without such entry.

(4) Without prejudice to subsection (1), upon the application of any person interested in land affected by a restriction, the court shall have power, by order, wholly or partially, to extinguish or vary the restriction, upon being satisfied —

- (a) that by reason of a change of user of the land affected, as approved by the competent authority or the Minister, as the case may be, under the Planning Act or any rules made thereunder, the continued existence of the restriction will impede the development of the land for public or private purposes; or
- (b) that the proposed extinguishment or variation will not materially injure the person entitled to the benefit of the restriction.

Cap. 232.

(5) An order extinguishing or varying a restriction under subsection (4) may direct the applicant to pay to any person entitled to the benefit of the restriction such sum by way of compensation as the court may think just to award under one, but not both, of the following heads:

- (a) a sum to make up for any loss or disadvantage suffered by that person in consequence of the extinguishment or variation; or
- (b) a sum to make up for any effect which the restriction had at the time when it was imposed in reducing the consideration then received for the land affected by it.

(6) On an application to the court under subsection (4), the court shall give any necessary directions as to the persons who are or who are not to be admitted (as appearing to be entitled to the benefit of the restriction) to oppose the application.

(7) Any order made under subsection (4) is binding on all persons whether ascertained or of full age and capacity or not, then entitled, or thereafter capable of becoming entitled, to the benefit of any restriction which is extinguished, varied or dealt with, and whether those persons are parties to the proceedings or have been served with notice or not.

(8) An order may be made under subsection (4) notwithstanding that any instrument which is alleged to impose the restriction intended to be extinguished, varied or dealt with may not have been produced to the court and the court may act on such evidence as it may think sufficient.

(9) For the purposes of subsection (4), the court may dispense with personal service and may order service to be effected by an advertisement in any one or more daily newspapers or in such other manner as the court thinks fit.

(10) The Registrar shall enter on the relevant folio a notification of any order of court extinguishing wholly or in part a restriction already notified thereon, or varying the provisions of such a restriction, if the order or an office copy thereof is produced to him for that purpose and upon entry of the notification, the restriction is extinguished or varied pro tanto.

Duration of
restrictions.

141.—(1) Unless extended in the manner provided by this section, a restriction shall cease to be enforceable against assigns of the servient land at the expiration of 20 years from the date of entry of a notification thereof on the land-register, and the Registrar shall cancel that notification.

(2) A restriction which has not become unenforceable may from time to time be extended by an instrument in the approved form executed by any person having an interest in the dominant land and entitled to the benefit of the restriction, and the Registrar shall notify any such extension on each folio on which the restriction is notified.

(3) Each instrument of extension may prolong the duration of a restriction for a period of 10 years from the date on which the instrument of extension has been notified in the land-register.

(4) Where for any reason (other than the expiration of the period referred to in subsection (1) and of any extension of that period) a restriction would have become unenforceable, an instrument of extension shall not prolong the duration of the restriction beyond the time for which it would otherwise have enured.

(5) Where the dominant land is not under the provisions of this Act, the Registrar, for the purpose of entering a

notification of any instrument of extension executed by a person claiming to have an interest in that land, shall not be concerned to investigate the title to that land; but such a notification shall not prolong the duration of the restriction unless the person executing the instrument of extension was, at the relevant time, entitled to the interest which he claimed to have.

(6) Any restriction extended pursuant to this section shall enure for the benefit of every person who, during the period of the extension, is entitled to an interest in the dominant land.

PART XV

STATUTORY ACQUISITION AND SALE

142.—(1) For the purposes of this section, “statutory obligation” means — Statutory obligations.

(a) any charge on land; and

(b) any order, award, determination, notification, resolution, by-law or proclamation affecting the title to or restricting or otherwise affecting the user of land or prescribing or authorising any act or thing to be done on land,

under the provisions of any written law or regulations made thereunder, and which is intended to bind successive owners of the land.

(2) A statutory obligation intended to affect registered land may be notified by lodging with the Registrar an instrument of statutory obligation in the approved form, and the Registrar shall give effect thereto by entering a notification of the particulars thereof on the relevant folio or other instrument of title claimed to be affected by the statutory obligation, and on the instrument of title if produced for that purpose.

(3) The notification of an instrument of statutory obligation shall not give the statutory obligation any greater operation or effect than it would have had without such notification, nor any greater effect than is claimed for it in the instrument.

(4) Nothing in this section shall affect the personal liability of the proprietor of land affected by a statutory obligation at the time when the liability was first incurred or the statutory obligation first attached.

(5) A statutory obligation relating to a rate or tax may not be notified under this section unless the amount due exceeds the sum of \$500 or 10% of the value of the land on which it is charged.

(6) Where any money due under a statutory obligation is in arrears, there may be added to the amount due the costs of notification of an instrument of statutory obligation.

(7) This section shall not apply to any statutory obligation or class of statutory obligations which may from time to time be exempted from its application by rules made pursuant to section 170.

Compulsory
acquisition of
registered
land.

143.—(1) For the purposes of this section, “public authority” means the Government, the Collector, and any other person, corporation or body, authorised or empowered by any written law to acquire land compulsorily.

(2) Where registered land has been acquired by any public authority otherwise than by purchase or agreement, an instrument of acquisition in the approved form, executed by that authority or by some proper officer appointed by the authority in that behalf, may be lodged with the Registrar.

(3) The Registrar shall not be concerned to inquire into the regularity or validity of the acquisition, but upon registration thereof the estate or interest acquired shall vest in the public authority according to the tenor of the instrument of acquisition.

(4) On registration of an instrument of acquisition, the Registrar shall cancel the registration of all encumbrances including any mortgage, charge or lease thereby overreached and shall, if so requested, cancel the folio (and the certificate of title thereof if produced for that purpose) and shall create a new folio for the estate or interest thereby acquired.

(5) Whenever a public authority that has become the proprietor of registered land so requests, the Registrar shall endorse on the relevant folio a notification to the effect that

the land has become vested in the Government as State land, and has ceased to be subject to the provisions of this Act.

- 144.**—(1) Where registered land is sold pursuant to —
- (a) Part II of the Land Revenue Collection Act; Sale of land for revenue or rates. Cap. 155.
 - (b) section 39 of the Property Tax Act; or Cap. 254.
 - (c) section 67 of the Local Government Integration Act, Cap. 166.

the Collector, the Comptroller of Property Tax or the Director-General of Public Works, as the case may be, may execute a transfer in the approved form, and neither the purchaser of the land nor the Registrar shall be concerned to inquire whether the provisions of the relevant Act relating to the sale or transfer have been complied with, nor otherwise to inquire into the regularity or validity of the sale or transfer.

(2) Upon registration of that transfer, the land shall vest in the transferee for the estate therein set forth, freed and discharged from all trusts, obligations, estates, interests, charges and rates that have not been entered in the memorandum of prior encumbrances in the transfer, but subject to any exceptions and reservations in the State grant.

(3) Where the existing certificate of title for the land is not presented with the transfer, the Registrar shall cancel the existing folio and shall create a new folio in favour of the transferee.

(4) Section 14 (1), (2) and (4) of the Land Revenue Collection Act shall not apply to transfers in pursuance of this section. Cap. 155.

145.—(1) Whenever by the operation of any Act, either directly or by reason of anything done in pursuance thereof, registered land becomes vested in some person other than the proprietor, either alone or jointly or in common with the proprietor, the Registrar shall, upon application by that person and upon such evidence as the Registrar considers sufficient, enter in the land-register a memorial of registration of the vesting. Statutory vesting not elsewhere provided for.

(2) This section shall not apply to any vesting for the registration of which express provision is made by this Act.

PART XVI

POWERS OF ATTORNEY

Interpretation.

146. In this Part, “attorney” means any person appointed by an instrument under seal to act as the agent for or on behalf of a principal in relation to transactions with registered land, whether the agent is called attorney, receiver, broker, factor or otherwise and, where the context admits, “power” means the instrument by which an attorney is appointed.

Registration of instruments executed by attorneys.

147.—(1) On lodgment for registration of any instrument executed by an attorney, the Registrar may require the original power of attorney or an office copy thereof to be exhibited to him, and in case of doubt, or where he suspects impropriety, may require the execution of the power to be proved.

Cap. 61.

(2) Where a power of attorney has been deposited in the Registry of the Supreme Court pursuant to section 48 of the Conveyancing and Law of Property Act, no further proof of execution shall be required by the Registrar.

(3) Before registering any instrument executed by an attorney, the Registrar may require either —

(a) that the power of attorney or a true copy thereof be deposited in the Registry of the Supreme Court pursuant to section 48 of the Conveyancing and Law of Property Act; or

(b) that an office copy delivered out of the Supreme Court pursuant to section 48 of the Conveyancing and Law of Property Act be lodged in the Land Titles Registry for inspection or for permanent record.

(4) As between an attorney and any purchaser from him of registered land, and notwithstanding any agreement or stipulation to the contrary, there shall be implied an undertaking by the attorney to comply, at his own expense (or that of his principal), with all reasonable requirements of the Registrar made pursuant to this section.

148.—(1) In favour of a purchaser of registered land claiming through an instrument executed by an attorney, the power under which the attorney purports to act shall be presumed to be in full force and effect at the time of such execution unless the purchaser, prior to completion of the purchase, has received notice of the revocation of the power, and the Registrar shall not be concerned to inquire as to whether or not any such notice was received.

Exoneration
of
purchasers.

(2) This section shall not operate to prolong the duration of a power which is expressed to terminate on a specified day, nor shall it validate any act of the attorney done after that day.

(3) An attorney who purports to act in exercise of a power after he has received notice of its revocation shall be liable to the same penalties as if he had made a statutory declaration that, at the time of so purporting to act, the power had not been revoked.

(4) Nothing in this section shall prejudice the right of a principal to recover damages from, or to institute other proceedings against, an agent who has exceeded his authority.

149.—(1) Where in a power the attorney is described as the “general attorney” of the principal, the attorney shall be presumed by purchasers of registered land to have power to do all things the doing of which could lawfully be delegated by the principal.

General
attorneys.

(2) This section shall apply only —

- (a) to powers executed within Singapore; and
- (b) to powers executed outside Singapore which are expressed to be made in pursuance of this section.

(3) The generality of the authority of an attorney who has been appointed a “general attorney” shall not be restricted by reason of the fact that the instrument appointing him also confers specific powers.

(4) A general attorney may be appointed in relation to one or more specified items of property, and his authority as general attorney, and the exoneration conferred by this section, shall be restricted to those items.

Investigation
and
registration
fees.

150.—(1) Any purchaser of registered land from an attorney who is not a “general attorney” within the meaning of section 149 shall be entitled to be paid by the attorney —

(a) the sum of \$100 towards the costs of investigating title; and

(b) any additional registration fee which may be prescribed for instruments executed by attorneys.

(2) Any agreement, condition or stipulation in contravention of this section shall be void.

(3) Where an attorney proves to the satisfaction of the Registrar that the power under which he acts is likely to be used in a series or course of similar transactions, and that complications are not likely to arise in the interpretation of the power, the Registrar may, by an endorsement on the power or a copy thereof, exempt all transactions or any particular kind or kinds of transactions from this section, and thereupon, for the duration and within the limits of that exemption, additional fees or costs as prescribed by this section are not payable.

PART XVII

CIVIL RIGHTS AND REMEDIES

Assurance
fund.

151.—(1) From the fees which are collected by the Registrar pursuant to this Act, the Minister charged with the responsibility for finance shall set apart the proportion prescribed from time to time by rules made under this Act to constitute an assurance fund, from which shall be paid —

(a) any sum necessary to compensate claimants under section 155; and

(b) such other disbursements as are directed or authorised to be paid, or expressed to be recoverable, from that fund.

(2) The Registrar may authorise payment from the assurance fund of any claim for compensation not exceeding \$1,000.

(3) A claim for compensation exceeding \$1,000 shall be paid from the assurance fund only on the authority in writing of the Minister or on a determination by the court.

(4) If the amount to the credit of the assurance fund is inadequate to meet any claim, the deficiency shall be charged on and paid out of the Consolidated Fund.

(5) The assurance fund shall not be liable to compensate any person suffering loss, damage or deprivation occasioned by the breach by a proprietor of any trust.

152.—(1) If, upon the application of any person to have land brought under the provisions of this Act, or to have any instrument registered or notified, or to have any certificate of title or other instrument issued, or to have performed or done by the Registrar any act or duty which by this Act is prescribed to be performed or done by him, the Registrar refuses to comply therewith, or if that person is dissatisfied with any requisition made or direction given by the Registrar which the Registrar refuses to withdraw, the person may require the Registrar to set forth in writing under his hand the grounds of his refusal and may, if he thinks fit, summon the Registrar to appear before the court to substantiate and uphold the grounds of his refusal.

Registrar may be summoned for refusal to register instruments, etc.

(2) Such a summons shall be issued under the hand of a judge of the court and served upon the Registrar at least 6 clear days before the day appointed for hearing the complaint of that person, and at the hearing, counsel for the Registrar shall have the right of reply.

(3) The court may, if any question of fact is involved, direct an issue to be tried to decide that fact, and the court shall make such order in the circumstances as the case may require, and the Registrar shall obey that order.

(4) Upon any summons or proceedings under this section, the court may make such order as to costs and expenses as it thinks just, and any costs or expenses to be paid by the Registrar shall be paid out of the assurance fund.

153.—(1) Whenever any question of difficulty arises with regard to the performance of the duties, or the exercise of the functions, of the Registrar, he may state a case for the opinion of the court, and the court may give its judgment thereon, and that judgment shall be binding on the Registrar.

Registrar may state a case.

(2) In order that a case stated under this section may be fully argued, the court may, upon the application of the

Registrar, or of any person interested in the subject-matter of the case, or of any other person or body to whom the court may give leave, certify that a question of public importance is involved and that the costs of the suit, or of some of the persons appearing in the suit, shall be paid out of the assurance fund.

Actions for
recovery of
land.

154.—(1) No action of ejectment or other action for the recovery of registered land shall lie or may be sustained against the proprietor thereof except in the case of —

- (a) a mortgagee against a mortgagor in default;
- (b) a chargee against a chargor in default;
- (c) a lessor against a lessee in default;
- (d) a person deprived of land by fraud against the person who has become registered as proprietor of the land by fraud, or against any person claiming through that proprietor otherwise than as a purchaser; or
- (e) a re-entry or forfeiture upon breach of a covenant or condition contained or implied in a State grant or lease.

(2) In any action pursuant to this section, the court may make such order for the cancellation of any folio or of any entry therein, or for the recovery of possession of the land, as the circumstances of the case may require.

(3) In any action based on fraudulent deprivation, the court may make an order for payment of damages either in addition to or in substitution for an order for the recovery of land.

(4) On making an order pursuant to this section, the court shall have regard to any improvements which may have been made to the land subsequently to the deprivation, and to the conduct of the parties, and may, if it sees fit, put the successful party on terms of paying compensation.

(5) For the purposes of this section, any unlawful acquisition of land, whether by a person purporting to act under statutory authority or otherwise, shall be deemed to be fraudulent.

155.—(1) Subject to subsection (3), any person who is deprived of land or sustains loss or damage through any omission, mistake or misfeasance of the Registrar, or any member of his staff, in the bringing of the land under the provisions of this Act or in the registration of any instrument, and who is barred by this Act from bringing any action for the recovery of land, proceeds of the sale of land, moneys secured by a registered mortgage or interests protected by a caveat notified on a folio, may bring an action for the recovery of damages against the assurance fund.

Actions for recovery of damages.

(2) In any action for the recovery of damages or compensation, whether for deprivation or for error or otherwise, the court shall take into consideration the fact that the claimant's own neglect, default or incaution may have caused or contributed to the deprivation, loss or damage, and in any such case may withhold or abate damages or compensation accordingly.

(3) No compensation shall be paid out of the assurance fund under any circumstances for any loss, damage or deprivation occasioned by —

- (a) the issue of a qualified folio for the land brought under the provisions of this Act; or
- (b) any incorrect description of the parcels, the boundaries or dimensions (including area) of any land provided by the Chief Surveyor or any incorrect particulars of the alienation of the land forwarded by the Collector to the Registrar.

(4) For the purposes of this section, any person who may bring an action for the recovery of land, proceeds of sale of land or moneys secured by a registered mortgage or charge, or interests protected by a caveat notified on a folio shall be deemed not to have been deprived of the land or suffered any loss or damage, as the case may be.

(5) Any person in respect of whom a folio has been created for his land under any of the provisions of this Act shall be deemed to be the person by whom the land comprised in that folio was brought under the provisions of this Act and who derived benefit therefrom.

(6) On receipt of a notice, the Registrar shall be entitled to appear in any such action and may offer to compensate any party to the action out of the assurance fund.

(7) On any such offer being made, further action shall be limited to determination of the compensation to be paid.

Procedure in actions against assurance fund.

156.—(1) Any person intending to claim against the assurance fund shall, not less than 14 days before the commencement of the action, serve notice of his claim on the Registrar as nominal defendant, stating the grounds on which his claim is made and the amount claimed.

(2) The Registrar may tender in settlement of the claim the amount claimed or any lesser amount, and if the claimant rejects that tender and fails later to recover damages exceeding the amount tendered by 20% of that amount, he shall pay, in addition to his own costs, the costs of the Registrar in defending the action.

(3) If in any such action the plaintiff recovers final judgment against the Registrar, then the court shall certify the fact of the judgment and the amount of damages and costs recovered, and the amount of those damages and (except as provided in subsection (2)) those costs shall be paid to the person recovering them, and shall be charged to the account of the assurance fund. In all other cases, the Registrar's costs shall be payable by the plaintiff.

(4) Notwithstanding anything to the contrary in section 155, any person deprived of land to a value of not more than \$1,000, or sustaining loss or damage of not more than that amount, may claim against the assurance fund in the first instance and the Registrar may settle or compound the claim.

Protection of bona fide purchasers and Registrar.

157.—(1) Notwithstanding anything in this Act, no purchaser who has become a proprietor shall be subject to action for the recovery of land or of money on the plea that his vendor, or any predecessor in title, may have acted in bad faith.

(2) Neither the Registrar nor any person acting under his authority shall be personally liable in respect of any action, suit or proceeding in respect of any act or matter in good faith done or omitted to be done in the administration of this Act.

Limitation of actions for damages.

158.—(1) No action pursuant to section 155 shall lie unless such action is commenced within 12 years from the

date on which the deprivation occurred or the loss or damage was sustained except that, where an action for deprivation, loss or damage has been commenced against any person within that period of 12 years, an action against the assurance fund for the same cause may be commenced within one year after the discontinuance of the former action, notwithstanding that the period of 12 years may have expired.

(2) Any person under the disability of infancy or mental incapacity may bring such an action within 12 years of the date on which the disability ceases.

(3) Notwithstanding this section, the Registrar may, with the approval of the Minister, waive any immunity of the assurance fund hereinbefore conferred.

159.—(1) The Registrar may, upon such evidence as appears to him sufficient, correct errors and omissions in the land-register. Correction of errors in land-register.

(2) Without prejudice to the generality of the powers under subsection (1), the Registrar, of his own motion, or at the request of the aggrieved proprietor, may —

- (a) correct any folio which is erroneous because of the entry of a mis-spelt name, or of the inclusion of land already included in a prior folio, or of the wrong description of parcels or of the boundaries or dimensions (including the area) of the land;
- (b) correct any erroneous entry or endorsement in the land-register;
- (c) add to the land-register any matter which has been erroneously omitted; or
- (d) where it is not practicable to make corrections to any folio, cancel the folio and create a new folio with the corrections made thereon.

(3) Any correction to a manual folio shall be made in such manner as to leave the erroneous matter legible and show the date the correction was made and shall be authenticated by the Registrar's signature or initials and any correction to a computer folio shall be made in such manner as to show the exact nature of the correction and the date of the correction.

(4) In any case in which the Registrar corrects the land-register, he shall have regard to any improvements to the land which may have been made since the occurrence of the error and, where two or more titles are involved, he may correct that folio, entry or endorsement which in his opinion involves the least loss to the assurance fund.

(5) Any person who, having dealt on the faith of an erroneous registration, has suffered loss or damage by the exercise of the power conferred on the Registrar by this section shall, subject to section 158, be entitled to be compensated from the assurance fund for the land of which he has been deprived and for any improvement made thereon by him or by any predecessor in title, and may bring an action for the recovery of such compensation.

(6) Any person having custody of a certificate of title or duplicate lease required for correction may be summoned by the Registrar to deliver that certificate or duplicate lease to him, and upon that person refusing or neglecting to do so, the Registrar may apply to the court for an order requiring that person to show cause why the certificate or duplicate lease should not be so delivered, and the court may make such order as the circumstances of the case require.

(7) When any person so summoned neglects or refuses to show cause, or to deliver up the certificate or duplicate lease, as directed by the court, the Registrar may, if the circumstances of the case so require, issue a replacement certificate in the same manner, and having the same effect, as provided by section 43 in the case of certificates which have been lost or destroyed or issue a subsidiary certificate of title for the lease.

(8) In this section, “correction” includes cancellation and the addition of matter which has been omitted.

(9) For the purposes of section 158, time shall not run against any person entitled to compensation for loss or damage by reason of a correction under this section until the Registrar has given him notice that the correction has been made.

Rectification
of land-
register
by court.

160.—(1) Subject to subsection (2), the court may order rectification of the land-register by directing that any

registration be cancelled or amended in any of the following cases:

- (a) where two or more persons have, by mistake, been registered as proprietors of the same registered estate or interest in the land comprised in a folio;
- (b) where the court is satisfied that any registration or notification of an instrument has been obtained through fraud, omission or mistake; or
- (c) where the court has declared that any instrument which purports to pass any estate or interest in any residential property within the meaning of the Residential Property Act is void pursuant to section 24 of that Act. Cap. 274.

(2) The land-register shall not be rectified so as to affect the registered estate or interest of a proprietor who is in possession unless that proprietor is a party or privy to the omission, fraud or mistake in consequence of which the rectification is sought, or has caused that omission, fraud or mistake or substantially contributed thereto by his act, neglect or default.

(3) Subsection (2) shall not apply in the circumstances referred to in subsection (1) (c).

PART XVIII

SEARCHES AND CERTIFIED COPIES

161.—(1) Subject to this section, any person may, upon payment of the prescribed fee, have access to the land-register for the purpose of inspection and search on such days and during such hours and subject to such conditions as may be prescribed. Searches by public.

(2) Subject to subsection (3), a search made shall not extend to original instruments except those evidencing the current proprietorship and subsisting encumbrances.

(3) Where instruments and related documents have been microfilmed by the Registrar, any person making a search shall not be permitted to inspect at the Registry the original instruments forming part of the land-register or filed with the Registrar but shall apply for a microprint or a print-out of such instruments.

Official
searches.

162.—(1) Any person may apply in the approved form for an official search in the land-register to be made on his behalf.

(2) Upon receipt of such an application, the Registrar shall cause a diligent search to be made, and shall issue a certificate of the result of that search to the person requiring it.

(3) Any purchaser for whom or on whose behalf an official search is obtained, and who suffers loss or damage by reason of any error in, or omission from, that official search, may recover compensation from the assurance fund.

(4) A solicitor for whom or on whose behalf an official search has been obtained is not answerable for any loss or damage which may arise from any error in, or omission from, that official search.

(5) An official search shall be sent by registered post, or delivered manually or by facsimile transmission to the applicant as he may require.

Priority
affected by
final official
searches.

163.—(1) The Registrar may issue a final official search to any person who wishes to close the land-register, and who satisfies the Registrar (whether by production of an acknowledgment from the proprietor or otherwise) that he is a purchaser of the land in respect of which the search is required.

(2) The Registrar shall make an entry in the land-register of the day and hour of posting, facsimile transmission or manual delivery of a final official search, whereupon no instrument affecting the land to which the search relates (other than an instrument in favour of the applicant) which is lodged for registration within the period of 7 days next ensuing upon the entry aforesaid shall be registered or notified until the expiration of that period, or until the registration of an instrument in favour of the applicant, whichever is the earlier.

(3) Upon the expiration of that period of 7 days, or upon registration of the instrument in favour of the applicant (whichever is the earlier), instruments affecting the land to which the final official search relates shall be registered or notified in the manner directed by section 37.

(4) A person who has obtained a final official search is not entitled to obtain any further final official search relating to the same land until the expiration of 8 days from the time of posting, facsimile transmission or delivery of the final official search.

164.—(1) The Registrar, upon payment of the prescribed fee, shall furnish to any person applying for it a certified copy of any instrument registered under the provisions of this Act, or which is in his custody and is the subject of a notification on the land-register.

Certified copies: Value as evidence.

(2) Every such certified copy signed by the Registrar and sealed with his seal shall be received in evidence in any court, or before any person having by law or by consent of parties authority to receive evidence, as prima facie proof of all the matters contained in or entered on the original instrument.

(3) Notwithstanding section 35 of the Evidence Act, a print-out of any information (other than computer folios) stored in a computer in the Land Titles Registry issued by the Registrar and bearing a facsimile of the Registrar's seal shall be received in evidence in any court, or before any person having authority by law or by consent of parties to receive evidence, as prima facie proof of all the matters contained in or entered on any instrument filed in the Land Titles Registry.

Cap. 97.

PART XIX

MISCELLANEOUS

165.—(1) Except as provided in this section, the Registrar shall not register any instrument affecting part of the land in a folio until he is satisfied that —

Subdivision of registered land.

- (a) the authority for the time being charged with the duty of controlling or supervising the subdivision of the land has certified that the lawful requirements of that authority relating to subdivision have been complied with; and
- (b) the boundaries and dimensions of part of the land in a folio described in an instrument are in

accordance with the final boundaries and dimensions shown in the plan lodged with and approved by the Chief Surveyor.

(2) Where the Registrar has created a new folio pursuant to a registration of part of the land which is not conclusive as to boundaries and dimensions, he shall enter thereon a caution to that effect, and he shall cancel that caution when the boundaries and dimensions have been shown on the plan lodged with and approved by the Chief Surveyor.

(3) No compensation shall be paid out of the assurance fund for any loss caused or occasioned by any inaccuracy of the boundaries and dimensions shown on a folio which bears a caution as is provided in subsection (2).

(4) Nothing in this section shall prevent the entry of a caveat, nor the registration of —

- (a) an easement;
- (b) a mortgage or charge;
- (c) a lease for a term of 7 years or less which can, by the exercise of an option of renewal, be prolonged for a period exceeding 7 years; or
- (d) any other instrument or class of instruments which may from time to time be prescribed.

Trusts.

166.—(1) A person named in an instrument as acquiring registered land in a fiduciary capacity may be described in that capacity and the instrument may disclose brief particulars of the trust relating to the consideration paid and for providing that the person named assumes liability only to the extent of an estate or interest of which he is a trustee.

(2) The Registrar shall not enter particulars of the trust except that he may describe the person having fiduciary capacity as a trustee in a folio or the relevant instrument but the description of a person as trustee in the folio or the instrument shall not affect the operation of section 47.

(3) Subject to the provisions of any caveat affecting the land, a registered proprietor who is a trustee shall hold the estate or interest of which he is a registered proprietor on trust for the persons and purposes to which it is applicable by virtue of the instrument creating the trust, but purchasers dealing with the registered land which is held in a fiduciary

capacity shall not be concerned to enquire whether a dealing of that land is within the powers of the proprietor and they are entitled to assume that the proprietor has all the powers of disposition of a beneficial owner and as the absolute proprietor of the estate or interest in question.

167.—(1) Where by any Act or instrument or by law any person is exonerated from inquiring as to any matter or fact relating to a title to, or to a power of dealing with, land, or is protected from the effect of notice of any such matter or fact, then, in registering any instrument relating to that land, the Registrar is not concerned to make any inquiry or search in relation to that land which that person need not have made, nor is the Registrar affected by any notice with which that person need not have been affected.

Exoneration
of Registrar.

(2) No action or claim shall be brought against the Registrar or against the assurance fund in respect of a deprivation or loss arising out of any matter into which the Registrar is exonerated from inquiring.

168. The Registrar shall be responsible for collecting such fees as are by this Act or any rules made thereunder directed to be paid, and for accounting for them to the Minister in charge of finance, or as otherwise directed by such rules.

Fees and
accounts.

169.—(1) Any person who —

- (a) fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procuring of any certificate of title or other instrument, or of any entry in the land-register, or any alteration or erasure of, or addition to, any entry in the land-register, or in any instrument or form issued by the Registrar;
- (b) fraudulently uses, assists in fraudulently using, or is privy to the fraudulent using of any instrument or form purporting to be issued or authorised by the Registrar;
- (c) knowingly misleads or deceives any person authorised by this Act to demand explanation or information with respect to any land, or the title to any land, which is the subject of a primary

Offences and
penalties.

application or with respect to which any instrument is proposed to be registered or notified; or

- (d) fraudulently removes from the Land Titles Registry any part of the land-register or any instrument issued by the Registrar, or causes any defacement, obliteration, mutilation, or unauthorised entry or alteration to be made thereto,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) No proceeding or conviction for any act made punishable by subsection (1) shall affect any remedy which any person aggrieved or injured by that act may be entitled to against the person who committed the act or against his estate.

Rules.

170.—(1) The Minister may make rules not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and, in particular, the Minister may make rules —

- (a) prescribing standard covenants and conditions for mortgages limited to the rights and obligations over the mortgaged property;
- (b) regulating the practice of the Land Titles Registry and of any other Government office in relation to matters arising under this Act; and
- (c) prescribing the fees to be taken in the Land Titles Registry for any matter or thing done therein under this or any other Act (including any fees that may be required to be borne by solicitors themselves relating to additional work done by the Registry in relation to instruments lodged and rejected and fresh instruments or amended instruments lodged after such date of rejection), and when and by whom such fees may be dispensed with or remitted.

(2) All rules made under this Act shall be presented to Parliament as soon as possible after publication in the *Gazette*.

171. For the avoidance of doubt, it is hereby declared that nothing in this Act shall affect the rights conferred on the Public Utilities Board by section 15 of the Public Utilities Act, the Director-General of Public Works by sections 34 and 35 of the Local Government Integration Act and the Director of Water Pollution Control and Drainage under section 16 of the Water Pollution Control and Drainage Act.

Saving of rights.

Cap. 261.

Cap. 166.

Cap. 348.

172.—(1) A reference in this Act to land brought under the provisions of this Act shall include a reference to land which has been brought under the provisions of the repealed Land Titles Act (referred to in this Part as the repealed Act).

Savings.

Cap. 157,
1985 Ed.

(2) Any register, instrument, index or other document maintained under the repealed Act shall be continued to be maintained under the corresponding provision of this Act or any rules made thereunder.

(3) In so far as any entry in a register or instrument was made or other thing whatsoever was done under any provision of the repealed Act, that entry or thing shall have effect as if made or done under the corresponding provision of this Act or any rules made thereunder.

(4) A reference to a caveat in this Act shall include a reference to a caveat lodged and notified in a folio or the Caveat Index under the provisions of the repealed Act.

(5) Any caveat lodged under the repealed Act may, unless it has lapsed or been removed or cancelled in accordance with the provisions of the repealed Act before 1st March 1994, be extended in accordance with the provisions of this Act.

(6) Any application, instrument or caveat lodged for registration under the provisions of the repealed Act before 1st March 1994 and whose registration was not completed before such date shall, where applicable, be deemed to be an application, instrument or caveat lodged for registration under a corresponding provision of this Act.

(7) Where at any time before 1st March 1994 a person —

- (a) was in adverse possession of any registered land; and
- (b) has lodged an application for a possessory title to the land under the provisions of the repealed Act and the application has not been withdrawn but is on such date pending in the Land Titles Registry,

the application shall be dealt with in accordance with the provisions of the repealed Act in force immediately before such date.

(8) Where at any time before 1st March 1994 a person —

- (a) was in adverse possession of any registered land; and
- (b) was entitled to lodge an application for a possessory title to the land under the provisions of the repealed Act which were in force immediately before such date,

he may, within 6 months of such date make an application to court for an order to vest the title in him or lodge an application for a possessory title to the land and the application shall be dealt with in accordance with the provisions of the repealed Act in force immediately before such date.

(9) Section 87 shall not prevent the registration of leases for a term not exceeding 7 years which were executed before 1st March 1994 and any such lease may be registered under the provisions of the repealed Act as if those provisions were never repealed.

(10) A person who, immediately before 1st March 1994, held office as the Registrar of Titles, Deputy Registrar of Titles or Assistant Registrar of Titles shall continue to hold such office as if he had been appointed under section 5.

(11) Any written law or other document referring to the repealed Act shall, as far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to this Act.

(12) Except as expressly provided in this section, nothing in this section shall be taken as prejudicing the operation of section 16 of the Interpretation Act (which relates to the effect of repeals). Cap. 1.

173.—(1) Where at any time before 1st March 1994 a caveat was notified on a folio or the Caveat Index under the provisions of Part XI of the repealed Act and an extension of caveat was notified on the folio or Caveat Index in respect of the same matter dealt with by the caveat notwithstanding that the repealed Act did not provide for caveats to be extended, the caveat shall not lapse until — Validation of extensions of caveats lodged under repealed Act.

(a) the expiration of a period of 5 years commencing from the date of the lodgment of the extension of caveat which was accepted and notified on the folio or Caveat Index; or

(b) where more than one extension of caveat has been lodged and notified on the folio or Caveat Index before the expiry of each 5-year period from the date of the lodgment of the last extension of caveat which was accepted and notified on the folio or Caveat Index, the expiration of a period of 5 years from the date of the lodgment of the last extension of caveat which was accepted and notified on the folio or Caveat Index.

(2) Subsection (1) shall not apply to a caveat where an order has been made by a court before 1st March 1994 in respect of the validity or priority of the caveat.

THE SCHEDULE

Section 103 (1)

PART I

RIGHT OF CARRIAGE WAY

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement, and every person authorised by him, to go, pass, and repossess, at all times and all purposes, with or without animals or vehicles or both, to and from that dominant tenement.

THE SCHEDULE — *continued*

PART II

RIGHT OF FOOTWAY

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement, and every person authorised by him, to go, pass, and repass, on foot, at all times and for all purposes, without animals or vehicles, to and from that dominant tenement.