

Land Titles (Amendment) Bill

Bill No. 4/2014.

Read the first time on 20th January 2014.

A BILL

i n t i t u l e d

An Act to amend the Land Titles Act (Chapter 157 of the 2004 Revised Edition) and to make related amendments to the Building Maintenance and Strata Management Act (Chapter 30C of the 2008 Revised Edition) and the Conveyancing and Law of Property Act (Chapter 61 of the 1994 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Land Titles (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 4

2. Section 4 of the Land Titles Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “certificate of title” in subsection (1), the following definition:

10 ““Chief Surveyor” means the Chief Surveyor appointed under section 3 of the Boundaries and Survey Maps Act (Cap. 25);”;

(b) by inserting, immediately after the definition of “Land Titles Registry” in subsection (1), the following definition:

15 ““limited liability partnership” means any limited liability partnership whether registered in Singapore under the Limited Liability Partnerships Act (Cap. 163A) or otherwise;”;

20 (c) by inserting, immediately after the definition of “relevant authority” in subsection (1), the following definition:

25 ““State title” means any grant or lease issued under the State Lands Act (Cap. 314) or State Lands Ordinance 1886 and includes a Crown grant or lease issued under the Crown Lands Ordinance 1886 at any time prior to 16th September 1963;”;
and

(d) by deleting subsection (2).

Amendment of section 7

3. Section 7 of the principal Act is amended —

30 (a) by inserting, immediately after the words “instrument relating to land” in subsection (1)(c)(i), the words “which is”; and

(b) by deleting paragraph (b) of subsection (2) and substituting the following paragraph:

“(b) any person who owns any estate or interest in land, to furnish any information pertaining to the use or any other matter relating to the land.”.

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Repeal of sections 9, 10 and 11 and re-enactment of section 9

4. Sections 9, 10 and 11 of the principal Act are repealed and the following section substituted therefor:

“Surrender and reissue of title to land

9.—(1) Where the President agrees to accept the surrender of the title to land (whether registered or unregistered, and whether of the same or different tenure), for the reissue of one or more fresh State titles of one type of tenure, the President may accept the surrender of title to land, subject to all or any of the following:

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(a) any subsisting mortgage with the consent of the mortgagee, the Collector, and the Registrar of Deeds or the Registrar, as the case may be;

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(b) any subsisting statutory charge in favour of the Central Provident Fund Board or any caveat notified under this Act or registered under the Registration of Deeds Act (Cap. 269) with the consent of the Collector, and the Registrar of Deeds or the Registrar, as the case may be.

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(2) Upon the acceptance by the President under subsection (1), the surrender may be lodged with the Registry of Deeds or Land Titles Registry, as the case may be.

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(3) The fresh State title or titles in respect of the whole or part of the land surrendered may be issued by the President only when the Registrar of Deeds or the Registrar, as the case may be, has notified the Collector that the surrender has been finally registered.

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(4) Upon the creation of one or more folios for the land, the Registrar shall, where applicable, notify any subsisting mortgage, statutory charge or caveat referred to in

subsection (1)(a) and (b), and cancel the previously existing folio or folios for the land.

(5) Any subsisting mortgage, statutory charge or caveat referred to in subsection (4) and notified on one or more folios for the land comprised in the fresh State title or titles issued by the President shall be deemed to be registered or notified against the estate and interest of the proprietor of land in whose name such folio or folios are issued.”.

Repeal and re-enactment of section 12

5. Section 12 of the principal Act is repealed and the following section substituted therefor:

“Restriction on registration or notification of assurance, instrument or caveat pending issue of fresh State title

12. After the surrender of the title to land is lodged with the Registry of Deeds or the Land Titles Registry, as the case may be, under section 9, and pending the issuance of a fresh State title or titles by the President —

(a) except for a discharge of a statutory charge in favour of the Central Provident Fund Board or a withdrawal of a subsisting caveat registered under the Registration of Deeds Act —

(i) no assurance or caveat in respect of the unregistered land surrendered shall be capable of being registered under the provisions of that Act; and

(ii) where such assurance or caveat has been registered, the Registrar of Deeds shall have the power to cancel the registration of such assurance or caveat and any entries relating thereto from the records kept by the Registry of Deeds; and

(b) except for a discharge of a statutory charge in favour of the Central Provident Fund Board or an extension or withdrawal of a subsisting caveat notified under this Act —

(i) no dealing or caveat in respect of the registered land surrendered shall be capable of being registered or notified under the provisions of this Act; and

(ii) where such dealing or caveat has been registered or notified, the Registrar shall have the power to cancel the registration or notification of such dealing or caveat and any entries relating thereto from the records kept by the Land Titles Registry.”.

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Amendment of section 13

6. Section 13 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) Where at the time of the lodgment of any surrender of the title to land under section 9, the land is subject to any subsisting mortgage, statutory charge or caveat, the fresh State title or titles to be issued by the President under section 9 shall be endorsed with a statement by the Collector that the fresh State title or titles are subject to such subsisting mortgage, statutory charge or caveat referred to in that section.”;

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(b) by deleting the words “fresh title” in subsection (2) and substituting the words “fresh State title”;

(c) by deleting the words “10 or 11,” in subsection (2);

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(d) by deleting the words “particulars of the land” in subsection (2) and substituting the words “particulars of the fresh State title”; and

(e) by deleting the section heading and substituting the following section heading:

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“Collector to furnish Registrar with particulars of fresh State title”.

Amendment of section 17

7. Section 17 of the principal Act is amended —

- 5 (a) by deleting the words “10 or 11,” in subsection (1);
 (b) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:

10 “(b) the priority for mortgages, statutory charges or caveats (including those registered under the Registration of Deeds Act and subsequently notified on the folio or folios when created) shall be determined in accordance with section 48.”; and

- 15 (c) by deleting the words “fresh title” in subsection (3) and substituting the words “fresh State title”.

Amendment of section 20

8. Section 20 of the principal Act is amended by deleting subsections (5) and (6) and substituting the following subsections:

20 “(5) Unless expressly prohibited by the terms of its memorandum of association, constitution, charter, limited liability partnership agreement or other constituting document, as the case may be, a corporation (whether sole or aggregate) or a limited liability partnership shall be deemed to have power to apply to the Registrar to bring land under the provisions of this Act.

25 (6) Any primary application under subsection (5) may be made —

- 30 (a) on behalf of a corporation (other than a limited liability partnership), by its director, manager or secretary; or
 (b) on behalf of a limited liability partnership, by its partner or manager, or an attorney appointed in that behalf by the limited liability partnership,

under its common seal in accordance with the memorandum of association, constitution, charter, limited liability partnership agreement or other constituting document, as the case may be.”.

Amendment of section 21

9. Section 21 of the principal Act is amended by deleting subsection (5) and substituting the following subsection:

“(5) Where a person entitled to the unregistered land does not or is unable to produce the documents of title or any other evidence substantiating his claim, the Registrar may, in his discretion, issue a certificate of title to that person if a statutory declaration (in a form acceptable to the Registrar) has been executed by that person, his successor-in-title, his mortgagee or any person who has possession or control of the documents of title, and produced to the Registrar for his inspection and, if the Registrar so requires, retention.”.

Amendment of section 22

10. Section 22 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsections:

“(1) Where permission has been granted to develop or subdivide any unregistered land, the owner is not entitled to deal with the land or any part thereof whether under the Registration of Deeds Act or under this Act, unless the entire parcel is brought under the provisions of this Act in accordance with Division 1 or this Division.

(2) Notwithstanding subsection (1), the Registrar of Deeds may register any assurance of the land or part thereof under the Registration of Deeds Act where the Registrar has issued to the owner a certificate exempting the land from the application of subsection (1).”.

Amendment of section 23

11. Section 23(1) of the principal Act is amended by deleting the words “estate of the land” in paragraph (a) and substituting the words “estate in land”.

Amendment of section 24A

12. Section 24A of the principal Act is amended —

(a) by deleting the words “a share” in subsection (4)(ii) and substituting the words “the share”;

5 (b) by deleting subsection (5) and substituting the following subsection:

“(5) A share in the land appurtenant to a flat comprised in a subsidiary certificate of title shall not be dealt with except as appurtenant to the flat and any dealing of that flat operates to deal with the share in the land.”; and

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(c) by deleting subsection (7) and substituting the following subsection:

“(7) Where the owners of the flats are also the owners of the land on which the flats stand or which form part of the development, the Registrar shall, except upon request, retain the certificate of title issued for the land.”.

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Amendment of section 25

13. Section 25 of the principal Act is amended by deleting subsection (4) and substituting the following subsection:

“(4) When a caution lapses under subsection (2), the lapsed caution shall constitute a defunct entry and the Registrar shall, of his own motion, cause an entry to be made in respect of the lapsing of the caution.”.

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Amendment of section 29

14. Section 29 of the principal Act is amended —

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(a) by deleting the word “registered” in subsection (3)(b); and

(b) by deleting subsection (7) and substituting the following subsection:

“(7) Except as otherwise provided for in section 43, 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

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purposes of this subsection, require the production to him of any certificate of title or duplicate lease.”.

Amendment of section 30

15. Section 30(2) of the principal Act is amended —

(a) by deleting the words “tenant in common” in paragraph (a) and substituting the word “tenant-in-common”; 5

(b) by deleting paragraph (b) and substituting the following paragraph:

“(b) where the same proprietor owns 2 or more parcels of land of the same tenure, or in the case of leasehold estates comprised in one or more State titles with the same expiry dates, and the parcels have been amalgamated and allotted with a new survey lot number by the Chief Surveyor;”; and 10 15

(c) by deleting sub-paragraph (ii) of paragraph (c) and substituting the following sub-paragraph:

“(ii) to create new folios for separate parts of the land therein comprised in accordance with any lawful subdivision or layout, and the said parts have been assigned lot numbers as shown on the survey plan approved by the Chief Surveyor; or”. 20

Amendment of section 31

16. Section 31 of the principal Act is amended by deleting the words “Section 13” and substituting the words “The provisions”. 25

Amendment of section 32

17. Section 32(1) of the principal Act is amended by deleting the words “appointed under the Planning Act (Cap. 232)”.

Amendment of section 38

18. Section 38 of the principal Act is amended —

(a) by deleting the word “register” in subsection (2) and substituting the word “land-register”; and

5 (b) by inserting, immediately after the words “a corporation,” in subsection (3), the words “or a limited liability partnership,”.

Repeal and re-enactment of section 40

19. Section 40 of the principal Act is repealed and the following section substituted therefor:

10 **“Corporations and limited liability partnerships**

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

15 (2) This section shall apply to all corporations whether sole or aggregate, whether created by any written law or otherwise, and to all limited liability partnerships, and notwithstanding any stipulation, restriction, or qualification imposed in the constitution of the corporation or limited liability partnership
20 (as the case may be) 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 or a limited liability partnership for acting in excess of its corporate
25 powers.

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

Amendment of section 42

20. Section 42 of the principal Act is amended —

- (a) by deleting the word “or” at the end of subsection (2)(e);
- (b) by deleting the full-stop at the end of paragraph (f) of subsection (2) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:
 - “(g) for the cancellation of an easement under section 106.”;
- (c) by deleting the words “a replacement certificate of title” in subsection (3)(b) and substituting the words “a new certificate of title under section 43”; and
- (d) by deleting the words “instruments of title” in the section heading and substituting the words “documents of title”.

Repeal and re-enactment of section 43 and new section 43A

21. Section 43 of the principal Act is repealed and the following sections substituted therefor:

“Replacement of certificates of title, etc.

43.—(1) The Registrar may issue a new certificate of title or a new subsidiary certificate of title to replace —

- (a) any certificate of title; or
- (b) any subsidiary certificate of title or duplicate lease, which has been lost, mislaid, destroyed or is being improperly or wrongfully withheld.

(2) Every new certificate of title or new subsidiary certificate of title issued under subsection (1) shall —

- (a) bear a new serial number allocated by the Registrar and only subsisting instruments and entries shall be shown on the folio;
- (b) be as valid as the certificate of title, subsidiary certificate of title or duplicate lease, as the case may be, it replaces; and

(c) be usable for any purpose for which that certificate of title, subsidiary certificate of title or duplicate lease it replaces might have been used.

5 (3) An application for a new certificate of title or a subsidiary certificate of title may be made by the proprietor of the land comprised therein, or by any person claiming through him, to the Registrar in the approved form, and shall be supported by such evidence as the Registrar may require.

10 (4) The Registrar may require an applicant to give notice of his application by publishing, within 14 days after the date of his application, at the applicant's cost, a copy of the application in one or more local daily newspapers circulating in Singapore.

15 (5) The Registrar may issue a new certificate of title or a new subsidiary certificate of title only upon being satisfied that the application is in order and there are no valid objections to the application.

20 (6) Upon the issuance of the new certificate of title or the new subsidiary certificate of title under subsection (1), the Registrar shall cancel the previous folio and enter in that folio a notification of the issue of the new certificate of title or subsidiary certificate of title, as the case may be, and that notification shall cancel the certificate of title or subsidiary certificate of title which the new certificate of title or subsidiary certificate of title replaces for all purposes notwithstanding that
25 the replaced certificate of title or subsidiary certificate of title, as the case may be, may subsequently be recovered.

30 (7) Where a new folio has been created for a duplicate lease which has been lost, mislaid, destroyed, or is being improperly or wrongfully withheld, the Registrar shall enter a notification in the original lease of the issue of the new folio, and that notification shall cancel the duplicate lease notwithstanding that the duplicate lease may subsequently be recovered.

Surrender of earlier certificate of title, etc., upon replacement

43A.—(1) Where a certificate of title, subsidiary certificate of title or duplicate lease is declared to be lost, mislaid, destroyed or is being improperly or wrongfully withheld, and in place thereof a new certificate of title or a new subsidiary certificate of title is issued by the Registrar under section 43(1), any person having possession or custody of the certificate of title, subsidiary certificate of title or duplicate lease so replaced shall surrender it to the Registrar for custody.

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(2) Any person who fails to surrender to the Registrar any certificate of title, subsidiary certificate of title or duplicate lease referred to in subsection (1) 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 12 months or to both.”.

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Amendment of section 44

22. Section 44 of the principal Act is amended —

- (a) by inserting, immediately after the word “documents” in subsection (1), the words “or instruments”;
- (b) by deleting the words “documents of title” wherever they appear in subsection (1)(a) and substituting in each case the words “documents or instruments”;
- (c) by deleting the words “to any other documents” in subsection (1)(b) and substituting the words “to the documents or instruments that are retained”;
- (d) by inserting, immediately after the word “document” in subsection (2), the words “or instrument”; and
- (e) by deleting the section heading and substituting the following section heading:

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**“Disposal of antecedent documents or instruments
following creation of folio”.**

Amendment of section 46

23. Section 46(1) of the principal Act is amended —

- 5 (a) by deleting the words “State grant or State lease” in paragraph (i) and substituting the words “State title”; and
- (b) by deleting the words “relating instrument” in paragraph (vii) and substituting the words “related instrument”.

Amendment of section 48

- 10 **24.** Section 48(3) of the principal Act is amended by deleting the words “Subject to section 11, interests” and substituting the word “Interests”.

Amendment of section 53

- 15 **25.** Section 53 of the principal Act is amended by deleting subsection (6) and substituting the following subsection:

“(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 as tenant-in-common with the remaining joint tenants, and the declarant shall be deemed to hold a share that is equal in proportion to each of the remaining joint tenants as if each and every one of them had held the registered land as tenants-in-common in equal shares prior to the severance.”.

25 **Amendment of section 56**

26. Section 56(2) of the principal Act is amended —

- (a) by deleting the words “of competent jurisdiction” in paragraph (d); and
- (b) by inserting, immediately after the words “written law” in paragraph (f), the words “or by an order of court”.

Amendment of section 57

27. Section 57(3) of the principal Act is amended by deleting paragraph (c) and substituting the following paragraph:

“(c) for the cancellation of a writ of execution or order of court; or”.

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Amendment of section 58

28. Section 58 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) Subject to subsection (4), in favour of purchasers, an instrument dealing with registered land shall be deemed to have been duly executed by a corporation or a limited liability partnership if the seal of the corporation or limited liability partnership is affixed thereto in the presence of and attested by —

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(a) in the case of the corporation (other than a limited liability partnership), its secretary or other permanent officer, and a member of its board of directors, council or other governing body; or

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(b) in the case of the limited liability partnership, its partner, manager or an attorney appointed in that behalf by the limited liability partnership.”;

(b) by inserting, immediately after the words “a corporation” in subsections (2) and (4), the words “or a limited liability partnership”;

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(c) by inserting, immediately after the words “the corporation” in subsection (3), the words “or the limited liability partnership”; and

(d) by inserting, immediately after the word “corporations” in the section heading, the word “, etc.”.

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Amendment of section 59

29. Section 59 of the principal Act is amended —

(a) by deleting paragraph (b) of subsection (3) and substituting the following paragraph:

5 “(b) a solicitor has not been employed by a party to
the instrument, the party himself shall sign the
certificate referred to in subsection (2) and if the
party is a corporation or limited liability
10 partnership, the certificate shall be signed by a
responsible officer of the corporation or limited
liability partnership, as the case may be.”;

(b) by deleting subsection (5) and substituting the following subsection:

15 “(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 a
responsible officer of any corporation or limited
liability partnership, divesting or acquiring title, the
Registrar may require such person to appear before him
20 and to furnish satisfactory evidence as to his identity,
capacity and authority.”;

(c) by deleting the words “application, dealing or caveat”
wherever they appear in subsection (6) and substituting in
each case the words “instrument or caveat”;

25 (d) by deleting “\$5,000” in subsection (6) and substituting
“\$25,000”; and

(e) by deleting subsection (8) and substituting the following subsection:

30 “(8) In this section —
“responsible officer” means —

(a) in the case of a corporation (other than a
limited liability partnership), its secretary
or other permanent officer, or a member of

its board of directors, council or other governing body; or

(b) in the case of a limited liability partnership, its partner, manager or an attorney appointed in that behalf by the limited liability partnership;

“solicitor” means a solicitor who has in force a practising certificate issued under the Legal Profession Act (Cap. 161).”.

Amendment of section 60A

30. Section 60A of the principal Act is amended by inserting, immediately after the word “business” in subsections (1)(a) and (b), (3) and (4)(a), the words “in Singapore”.

Repeal and re-enactment of section 72

31. Section 72 of the principal Act is repealed and the following section substituted therefor:

“Custody of documents of title

72. A first mortgagee shall, as between himself and the mortgagor, be entitled to custody of the documents 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 documents of title 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.”.

Amendment of section 76

32. Section 76(2) of the principal Act is amended by deleting the words “an office copy” and substituting the words “a duly certified copy”.

Amendment of section 77

33. Section 77(1) of the principal Act is amended by deleting the words “proprietor of the mortgage or charge” and substituting the words “mortgagee or chargee”.

5 Amendment of section 79

34. Section 79(3) of the principal Act is amended by deleting the word “memorial” and substituting the word “notification”.

Amendment of section 84

35. Section 84(1) of the principal Act is amended by deleting the word “sub-mortgage” and substituting the word “submortgage”.

Amendment of section 85

36. Section 85(1) of the principal Act is amended by deleting the words “an office copy” in paragraph (b) and substituting the words “a duly certified copy”.

15 Amendment of section 86

37. Section 86(2) of the principal Act is amended by inserting, immediately after the words “provisions of this Act”, the words “except where such leases are to be varied, surrendered or determined under sections 91 and 92”.

20 Amendment of section 89

38. Section 89 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

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

Amendment of section 91

39. Section 91(5) of the principal Act is amended by deleting the words “apply in writing to the Registrar” and substituting the words “apply to the Registrar in the approved form”.

Amendment of section 92

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40. Section 92(1) of the principal Act is amended by deleting the words “apply in writing to the Registrar” and substituting the words “apply to the Registrar in the approved form”.

New section 97A

41. The principal Act is amended by inserting, immediately after section 97, the following section:

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“Power of court to create easements

97A.—(1) The court may, on application by an interested person (referred to in this section as the applicant), make an order creating an easement over registered land if the easement is reasonably necessary for the effective use or development of other land (whether registered or unregistered) that will have the benefit of the easement.

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(2) An order under subsection (1) may be made only if the court is satisfied —

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(a) that the use of the land to which the benefit of the easement is to be made appurtenant will not be inconsistent with the public interest;

(b) that the proprietor of the land to be burdened by the easement can be adequately compensated for any loss or other disadvantage that will arise from the creation of the easement; and

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(c) that all reasonable attempts have been made by the applicant to obtain the easement or an easement having the same effect directly from the proprietor of the land to be burdened by the easement.

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(3) An order made under subsection (1) shall specify the nature and terms of the easement and such of the particulars referred to in section 97(3) as are appropriate.

(4) The costs of the proceedings are payable by the applicant, unless the court otherwise orders.

(5) An easement created under this section shall not bind the land to which the benefit of the easement is to be made appurtenant until it has been registered in accordance with section 97.

(6) In this section, “interested person” means a person with an interest in the land to which the benefit of an easement created under this section will be made appurtenant.”.

Amendment of section 98

42. Section 98(8) of the principal Act is amended by deleting the word “Government” in the definition of “lot”.

Amendment of section 99

43. Section 99(8) of the principal Act is amended by deleting the word “Government” in the definition of “lot”.

Amendment of section 105

44. Section 105 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) An easement over registered land may be varied or released by an instrument in the approved form.”;

(b) by inserting, immediately after the words “easement may be” in subsection (2), the words “varied or”; and

(c) by deleting the section heading and substituting the following section heading:

“Variation or release of easements”.

New section 105A

45. The principal Act is amended by inserting, immediately after section 105, the following section:

“Power of court to vary or extinguish easements

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105A.—(1) The court may, on application by any person with an interest in a servient tenement, make an order to vary or extinguish wholly or in part the easement (including any implied easement) over the servient tenement.

(2) An order under subsection (1) may be made upon the court being satisfied —

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(a) that by reason of a change of use of the land affected, as approved by planning permission within the meaning of the Planning Act (Cap. 232), or of changes in the character of the land or the neighbourhood, or other circumstances the court considers material, the continued existence of the easement will, unless varied or extinguished, impede the development of the land for public or private purposes without securing practical benefits to the persons entitled to the easement; or

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(b) that the proposed variation or extinguishment will not substantially injure the persons entitled to the easement.

(3) An order varying or extinguishing wholly or in part an easement under subsection (1) may direct the applicant to pay to any person entitled to the benefit of the easement such sum by way of compensation as the court may think just to award under one, but not both, of the following heads:

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(a) a sum to make up for any loss or disadvantage suffered by that person in consequence of the variation or extinguishment;

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(b) a sum to make up for any effect which the easement had at the time when it was imposed in reducing the consideration then received for the land affected by it.

46. Section 110 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

Amendment of section 111

47. Section 111 of the principal Act is amended by deleting the words “receiving order” and substituting the words “bankruptcy order”.

48. Section 112 of the principal Act is amended by deleting the words “an adjudication in bankruptcy” and substituting the words “a bankruptcy order”.

49. Section 115 of the principal Act is amended —

(a) by deleting paragraph (c) of subsection (1) and substituting the following paragraph:

“(c) nature of the interest claimed by the caveator;”;
and

(b) by deleting the word “forbid” in subsection (2) and substituting the word “prohibit”.

Amendment of section 115A

50. Section 115A of the principal Act is amended by deleting the word “forbidding” and substituting the word “prohibiting”.

Amendment of section 117

51. Section 117 of the principal Act is amended by deleting subsection (5) and substituting the following subsection: 5

“(5) The Registrar shall not be concerned to consider whether or not a caveator’s claim is justified.”.

Amendment of section 119

52. Section 119 of the principal Act is amended — 10

(a) by deleting the word “forbid” in subsection (2) and substituting the word “prohibit”; and

(b) by deleting subsection (4) and substituting the following subsection:

“(4) Except as otherwise provided for in section 129(1), the Registrar shall not register any dealing which is prohibited by the caveat for so long as the caveat remains effective.”. 15

Amendment of section 120

53. Section 120 of the principal Act is amended — 20

(a) by deleting the words “an office copy” in subsection (1)(a) and substituting the words “a duly certified copy”; and

(b) by deleting the words “an instrument” in the section heading and substituting the words “a dealing”.

Amendment of section 121

54. Section 121 of the principal Act is amended — 25

(a) by inserting, immediately after the words “made by the caveator” in subsection (3), the words “or by his solicitor or attorney”; and

- (b) by deleting the words “an office copy” in subsection (7) and substituting the words “a duly certified copy”.

Amendment of section 123

55. Section 123 of the principal Act is amended —

- (a) by inserting, immediately after the word “address” in subsection (1)(c), the words “in Singapore”; and

- (b) by deleting subsection (2) and substituting the following subsection:

“(2) A person entitled to withdraw a caveat lodged under this Part may, at any time before the caveat is withdrawn, notify the Registrar —

- (a) using the approved form, of a change in the name of the caveator specified in the caveat; or

- (b) in writing, of a change in the address specified in the caveat for service of notices,

whereupon the Registrar shall record the change of name or address on the folio or in any other manner which the Registrar may direct.”.

Amendment of section 126

56. Section 126(1) of the principal Act is amended by inserting, immediately after the word “corporation” in paragraph (d), the words “or a limited liability partnership”.

Amendment of section 127

57. Section 127 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(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 an application 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 service

of the notice an order by the court to the contrary is served on the Registrar.”.

Amendment of section 129

58. Section 129 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections: 5

“(1) 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 in respect of the same estate or interest in the land: 10

(a) a change or correction in the name or particulars of a registered proprietor; 15

(b) a transfer of land in favour of the President by way of surrender for the purpose of reissuing one or more fresh State titles; 20

(c) a vesting of land under section 65G of the Housing and Development Act (Cap. 129);

(d) a statutory vesting of mortgage under section 145(3);

(e) a postponement of a mortgage or a charge, or a postponement of a registered mortgage or a registered charge; 25

(f) a total or partial discharge of a mortgage or a charge, or a total or partial discharge of a registered mortgage or a registered charge; 30

(g) a cancellation or withdrawal of the registration of a writ or an order of court under section 134 or 136;

(h) an application for a new certificate of title or subsidiary certificate of title under section 43 or as otherwise provided under this Act; 35

- (i) an application for a certificate of title or subsidiary certificate of title for a leasehold estate comprised in a registered lease;
- (j) a strata title application made under the Land Titles (Strata) Act (Cap. 158);
- (k) an application for notional shares in land under section 84E of the Land Titles (Strata) Act;
- (l) an application made to a Strata Titles Board, or any order made by a Strata Titles Board or the court, under Part VA of the Land Titles (Strata) Act;
- (m) a cancellation of the notification of an application for an order for collective sale made to a Strata Titles Board under Part VA of the Land Titles (Strata) Act;
- (n) an application to cancel a Registrar's caution prohibiting assurance of a provisional lot under section 31(3) of the Land Titles (Strata) Act.

(1A) In addition, 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 in respect of the same estate or interest in the land:

- (a) a vesting pursuant to compulsory acquisition under section 143;
- (b) a transfer of land sold under section 144;
- (c) 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;

- (d) a transfer of a mortgage or charge, or a registered mortgage or registered charge;
 - (e) a variation of a mortgage or charge, or a registered mortgage or registered charge; 5
 - (f) 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 in the Official Receiver of a corporation's or limited liability partnership's estate or interest in land upon the effective date of its winding up; 10
 - (g) easements or restrictions which are not expressly prohibited by the caveat, or any variation thereof (including an extension of the duration of restrictions under section 141); 15
 - (h) a total or partial release or extinguishment of any easements or restrictions; 20
 - (i) 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; 25
 - (j) 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.”; 30
- (b) by deleting the words “subsection (1)” in subsection (2) and substituting the words “subsection (1A)”;

(c) by deleting the words “an instrument” in subsection (2) and substituting the words “a dealing”;

(d) by deleting paragraph (b) of subsection (2) and substituting the following paragraph:

5 “(b) does not completely dispose of the estate of the registered proprietor in the land to which the caveat relates, the caveat shall be deemed to have lapsed only to the extent necessary to permit such registration.”;

10 (e) by deleting the word “ “sub-mortgage” ” in subsection (4) and substituting the word “ “submortgage” ”;

(f) by deleting the word “ “sub-mortgagee” ” in subsection (4) and substituting the word “ “submortgagee” ”; and

15 (g) by deleting the word “ “sub-mortgagor” ” in subsection (4) and substituting the word “ “submortgagor” ”.

Amendment of section 130

59. Section 130 of the principal Act is amended by deleting the words “an instrument” in paragraph (a) and substituting the words “a dealing”.

20 Amendment of section 132

60. Section 132(3) of the principal Act is amended by inserting immediately before the word “copy”, the words “duly certified”.

Amendment of section 135

25 **61.** Section 135 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

30 “(4) Where land is sold under this section, a transfer shall be lodged in favour of the purchaser, and where the existing certificate of title for the land is not presented with the transfer, the Registrar shall cancel the existing folio and create a new folio in favour of the transferee.”.

Amendment of section 140

62. Section 140 of the principal Act is amended —

(a) by deleting paragraph (a) of subsection (5) and substituting the following paragraph:

“(a) that by reason of a change of use of the land affected, as approved by planning permission within the meaning of the Planning Act, the continued existence of the restriction will impede the development of the land for public or private purposes; or”; and

(b) by deleting the words “an office copy” in subsection (11) and substituting the words “a duly certified copy”.

Amendment of section 141

63. Section 141 of the principal Act is amended —

(a) by deleting subsection (3) and substituting the following subsection:

“(3) A notification on the land-register in respect of any restriction shall be cancelled by the Registrar after the restriction ceases to be enforceable under subsection (1) or (2).”; and

(b) by inserting, immediately after the words “restriction is notified” in subsection (4), the words “, and on the document of title if produced for that purpose”.

Amendment of section 142

64. Section 142(3) of the principal Act is amended by deleting the words “instrument of title” wherever they appear and substituting in each case the words “document of title”.

Amendment of section 143

65. Section 143(2) of the principal Act is amended by deleting the words “some proper” and substituting the word “an”.

Amendment of section 144

66. Section 144 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(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 subsisting exceptions, reservations, covenants and conditions contained or implied in the State title.”.

Amendment of section 145

67. Section 145(3) of the principal Act is amended by deleting the words “a note” and substituting the words “a notification”.

Amendment of section 147

68. Section 147 of the principal Act is amended —

- (a) by deleting the word “original” in subsection (1); and
- (b) by deleting the words “an office copy” in subsections (1) and (3)(b) and substituting in each case the words “a duly certified copy”.

Amendment of section 150

69. Section 150(3) of the principal Act is amended by deleting the words “a copy thereof” and substituting the words “a duly certified copy thereof”.

Amendment of section 154

70. Section 154(1) of the principal Act is amended by deleting the words “State grant or lease” in paragraph (e) and substituting the words “State title”.

Amendment of section 157

71. Section 157 of the principal Act is amended by inserting, immediately after the words “bona fide purchasers” in the section heading, the word “, Authority”.

Amendment of section 159

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72. Section 159 of the principal Act is amended by deleting subsections (6) and (7) and substituting the following subsections:

“(6) Any person having custody of a certificate of title, subsidiary certificate of title or duplicate lease required for correction may be summoned by the Registrar to deliver that certificate of title, subsidiary certificate of title 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 of title, subsidiary certificate of title or duplicate lease should not be so delivered, and the court may make such order as the circumstances of the case require.

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

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Amendment of section 161

73. Section 161(3) of the principal Act is amended by deleting the words “the Registry” and substituting the words “the Land Titles Registry”.

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Amendment of section 165

74. Section 165(4) of the principal Act is amended by inserting, immediately after paragraph (a), the following paragraph:

- 5 “(aa) a lease referred to in section 4(2)(a) or (b) of the Planning Act;”.

Amendment of section 167

75. Section 167 of the principal Act is amended by inserting, immediately after the words “Exoneration of” in the section heading, the words “Authority and”.

Amendment of section 169

76. Section 169(1) of the principal Act is amended —

- (a) by deleting the words “privy to the fraudulent using” in paragraph (b) and substituting the words “privy to the fraudulent usage”; and
- 15 (b) by deleting “\$10,000” and substituting “\$25,000”.

Miscellaneous amendments

77. The principal Act is amended —

- (a) by deleting the words “fresh titles” in section 14(b) and substituting the words “fresh State titles”; and
- 20 (b) by deleting the words “fresh title by the State” in section 15(1) and substituting the words “fresh State title”.

Savings and transitional

- 78.—(1) Where any title to land is surrendered to the President for the reissue of fresh State title under the repealed section 9, 10 or 11 of the principal Act and no fresh State title has been issued by the President before the date of commencement of section 4 of the Land Titles (Amendment) Act 2014, the surrender and reissue of the title to land shall continue to be dealt with in accordance with the corresponding repealed section as if the section had not been repealed.
- 25

(2) Where an application for a replacement certificate of title is pending immediately before the date of commencement of section 21 of the Land Titles (Amendment) Act 2014, the application shall be deemed to be an application made under section 43 of the principal Act as amended by this Act.

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(3) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as he may consider necessary or expedient.

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Related amendment to Building Maintenance and Strata Management Act

79. Section 43 of the Building Maintenance and Strata Management Act (Cap. 30C) is amended by inserting, immediately after subsection (6), the following subsection:

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“(6A) Without prejudice to subsection (6), where the existing subsidiary strata certificate of title for the lot is not presented with the transfer, the Registrar of Titles may cancel the existing folio and create a new folio in favour of the transferee.”.

Related amendments to Conveyancing and Law of Property Act

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80. The Conveyancing and Law of Property Act (Cap. 61) is amended —

(a) by inserting, immediately after section 34, the following Part:

“PART VA

25

EASEMENTS

Power of court to create easements over land

34A.—(1) The court may, on application by an interested person (referred to in this section as the applicant), make an order creating an easement over land if the easement is reasonably necessary for the effective use or development of other land (whether registered or unregistered) that will have the benefit of the easement.

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(2) An order under subsection (1) may be made only if the court is satisfied —

(a) that the use of the land to which the benefit of the easement is to be made appurtenant will not be inconsistent with the public interest;

(b) that the person entitled to the land to be burdened by the easement can be adequately compensated for any loss or other disadvantage that will arise from the creation of the easement; and

(c) that all reasonable attempts have been made by the applicant to obtain the easement or an easement having the same effect directly from the person entitled to the land to be burdened by the easement.

(3) An order made under subsection (1) shall specify —

(a) the nature of the easement and 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 costs of the proceedings are payable by the applicant, unless the court otherwise orders.

(5) An easement created under this section shall not bind the land to which the benefit of the easement is to be made appurtenant until it has been registered under the Registration of Deeds Act (Cap. 269).

(6) In this section, “interested person” means a person with an interest in the land to which the benefit of an easement created under this section will be made appurtenant.

Power of court to vary or extinguish easements

34B.—(1) The court may, on application by any person with an interest in land which is subject to the burden of an easement, make an order to vary or extinguish wholly or in part the easement over that land. 5

(2) An order under subsection (1) may be made upon the court being satisfied —

- (a) that by reason of a change of use of the land affected, as approved by planning permission within the meaning of the Planning Act (Cap. 232), or of changes in the character of the land or the neighbourhood, or other circumstances the court considers material, the continued existence of the easement will, unless varied or extinguished, impede the development of the land for public or private purposes without securing practical benefits to the persons entitled to the easement; or 10 15
- (b) that the proposed variation or extinguishment will not substantially injure the persons entitled to the easement. 20

(3) An order varying or extinguishing wholly or in part an easement under subsection (1) may direct the applicant to pay to any person entitled to the benefit of the easement such sum by way of compensation as the court may think just to award under one, but not both, of the following heads: 25

- (a) a sum to make up for any loss or disadvantage suffered by that person in consequence of the variation or extinguishment; 30
- (b) a sum to make up for any effect which the easement had at the time when it was imposed in reducing the consideration then received for the land affected by it.

(4) An order made under subsection (1) shall not bind the land until it has been registered under the Registration of Deeds Act.”;

(b) by deleting subsection (4) of section 66A and substituting the following subsection:

“(4) Upon the making of the deed of declaration and the service of the deed of declaration pursuant to subsection (3), the respective estates and interests in the land shall be held by the declarant as tenant-in-common with the remaining joint tenants, and the declarant shall be deemed to hold a share that is equal in proportion to each of the remaining joint tenants as if each and every one of them had held the land as tenants-in-common in equal shares prior to the severance.”; and

(c) by inserting, immediately after subsection (5) of section 66A, the following subsection:

“(6) For the purpose of subsection (3), where a copy of the deed of declaration is sent by registered post to the other joint tenants, it shall be deemed to have been served on the other joint tenants to whom it is addressed 2 days after the day it is sent by registered post to the last known place of residence or business in Singapore of the other joint tenants, notwithstanding it is returned undelivered.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Land Titles Act (Cap. 157) for the following main purposes:

- (a) to empower the court to create easements, and to vary or extinguish existing easements;
- (b) to improve the remedies available to a property owner in response to a caveat lodged on his property by shifting the burden of disproving the

caveat from the property owner to the caveator, and to introduce a new list of dealings that the terms of a caveat cannot override; and

- (c) to make miscellaneous changes for greater clarity or consistency, or for better administration of the Act.

The Bill also makes related amendments to the Building Maintenance and Strata Management Act (Cap. 30C) and the Conveyancing and Law of Property Act (Cap. 61).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 4 —

- (a) by inserting a new definition for the terms “Chief Surveyor”, “limited liability partnership” and “State title”; and
- (b) by deleting subsection (2) which is now subsumed under the new definition of “State title”.

Clause 3 amends section 7 to make changes of a technical matter.

Clause 4 repeals sections 9, 10 and 11, and re-enacts a new section 9 to introduce a more streamlined process for the surrender of all types of title to land (whether registered or unregistered and whether of the same or different tenure) to the President in exchange for the reissue of fresh State title(s) of one type of tenure.

Clause 5 repeals and re-enacts section 12 that restricts the registration or notification of any assurance, instrument or caveat, during the period between the lodgment of any surrender of title to land, and the issuance of a fresh State title by the President.

Clause 6 amends section 13 to make consequential amendments arising from the repeal of sections 10 and 11.

Clause 7 amends section 17(1) and (3) as a consequence of the repeal of sections 10 and 11, and to make other changes of a technical matter.

Clause 8 amends section 20 to incorporate a reference to “limited liability partnership” consequent to the introduction of the Limited Liability Partnerships Act (Cap. 163A).

Clause 9 amends section 21(5) to broaden the category of persons who may submit a statutory declaration to the Registrar of Titles (the Registrar) in the event that documents of title to unregistered land are not produced. This is intended to ensure that all attempts to recover the documents of title have been made.

Clause 10 amends section 22 to clarify the circumstances where an owner may deal with unregistered land for which permission has been granted for its development or subdivision, and when an assurance of that land may be registered under the Registration of Deeds Act (Cap. 269).

Clause 11 makes technical amendments to section 23(1).

Clause 12 amends section 24A to make changes of a technical matter. The clause also broadens the terminology used in subsection (5) from “disposed of” to “dealt with”, and from “transfer” to “dealing”.

Clause 13 amends section 25(4) to clarify that a lapsed caution may be removed by the Registrar without a need to lodge an application for its removal.

Clause 14 amends section 29 to make a consequential amendment arising from the amendment to section 43, and to make changes of a technical nature.

Clause 15 amends section 30(2) to update the process where the Registrar creates a new folio for land that is comprised in a manual or computer folio.

Clause 16 makes a technical amendment to section 31.

Clause 17 makes a technical amendment to section 32(1).

Clause 18 amends section 38 to incorporate a reference to “limited liability partnership” consequent to the introduction of the Limited Liability Partnerships Act.

Clause 19 repeals and re-enacts section 40 to incorporate references to “limited liability partnership” consequent to the introduction of the Limited Liability Partnerships Act.

Clause 20 is a consequential amendment to section 42 arising from the repeal and re-enactment of section 43. The clause also extends the circumstances where the Registrar may dispense with production of title documents to the cancellation of an easement.

Clause 21 repeals and re-enacts section 43 to introduce a new system for the replacement of certificates of title that have been lost, misplaced, etc. Instead of a replacement certificate, the Registrar will now issue a new certificate of title or a new subsidiary certificate of title (as the case may be) that bears a new serial number. The clause also introduces a new section 43A that makes it an offence for any person having possession or custody of a certificate of title, subsidiary certificate of title or duplicate lease, that has been replaced with a new certificate of title or new subsidiary certificate of title (as the case may be) to fail to surrender it to the Registrar.

Clause 22 amends section 44 to refer generally to “documents or instruments”, and to clarify that those which have been retained by the Registrar may either be preserved for historical purposes or destroyed after being imaged.

Clause 23 makes technical amendments to section 46(1).

Clause 24 makes a technical amendment to section 48(3).

Clause 25 amends section 53(6) to clarify that the apportionment of shares to remaining co-owners upon a severance of a joint tenancy is not determined by the Registrar but is legislatively prescribed.

Clause 26 amends section 56(2) to clarify that the provision refers to an order of court issued by any court in Singapore.

Clause 27 extends the circumstances in section 57(3) where the Registrar may dispense with proof of due execution of an instrument intended for registration, to the cancellation of an order of court.

Clause 28 amends section 58 to incorporate a reference to “limited liability partnership” consequent to the introduction of the Limited Liability Partnerships Act.

Clause 29 amends section 59 to increase the penalty for an offence under section 59(6) to “\$25,000”. The clause also incorporates a reference to “limited liability partnership” consequent to the introduction of the Limited Liability Partnerships Act and makes changes of a technical nature.

Clause 30 amends section 60A to clarify that the last place of residence or business for service of notices, etc., refers to a place in Singapore.

Clause 31 repeals and re-enacts section 72 to change the terminology of “instruments of title” to “documents of title” for consistency with the other sections in the Act.

Clause 32 amends section 76(2) to clarify that the copy of the relevant document required is a duly certified copy.

Clause 33 makes a technical amendment to section 77(1).

Clause 34 amends section 79(3) to align the terminology used.

Clause 35 makes a technical amendment to section 84(1).

Clause 36 amends section 85(1) to clarify that the copy of the relevant document required is a duly certified copy.

Clause 37 amends section 86(2) to extend the application of Part IX to leases which were registered under the Registration of Deeds Act but are subsequently varied, surrendered or determined under sections 91 and 92.

Clause 38 amends section 89(2) to change the terminology of “instrument of title” to “document of title” for consistency with the other sections in the Act.

Clauses 39 and 40 amend sections 91(5) and 92(1) to clarify that an application to the Registrar is to be in the approved form.

Clause 41 introduces a new section 97A to confer power on the court to create easements over registered land if the easement is reasonably necessary for the

effective use or development of the land that will have the benefit of the easement, and is not inconsistent with the public interest.

Clause 42 makes a technical amendment to section 98(8).

Clause 43 makes a technical amendment to section 99(8).

Clause 44 amends section 105 to allow an easement over registered land to be varied by an application in the approved form and to clarify that an easement over unregistered land that is made appurtenant to registered land may be varied in accordance to law.

Clause 45 inserts a new section 105A to empower the court to vary, or extinguish wholly or in part, an existing easement over registered land upon an application by any person with an interest in the servient tenement.

Clause 46 makes a consequential amendment to section 110(1) arising from amendments to the Bankruptcy Act (Cap. 20).

Clause 47 makes a consequential amendment to section 111 arising from amendments to the Bankruptcy Act.

Clause 48 makes a consequential amendment to section 112 arising from amendments to the Bankruptcy Act.

Clause 49 makes technical amendments to section 115 for clarity.

Clause 50 makes a technical amendment to section 115A.

Clause 51 makes a consequential amendment to section 117(5) arising from amendments to section 127.

Clause 52 amends section 119 to make consequential amendments arising from the amendments to section 129, and to make technical amendments.

Clause 53 amends section 120 to clarify that the copy of the relevant document required is a duly certified copy, and to make technical amendments.

Clause 54 amends section 121 to clarify that the copy of the relevant document required is a duly certified copy, and to make changes of a technical nature.

Clause 55 amends section 123(1)(c) to clarify that the business or residential address of the agent refers to a place in Singapore. The clause also amends section 123(2) to clarify the procedural requirements for notifying the Registrar of a change of name of the caveator or a change of address specified in the caveat.

Clause 56 amends section 126(1) to incorporate a reference to “limited liability partnership” consequent to the introduction of the Limited Liability Partnerships Act.

Clause 57 amends section 127(2) to place the burden of justifying having an interest in the property on the person who filed the caveat. This is done by making

it a requirement for a caveator to obtain a court order stating that the caveat which he filed is valid, failing which the Registrar will remove the caveat.

Clause 58 amends section 129 to create 2 lists of dealings. A “mandatory list” is created. A caveator will not be notified of any dealings in this list even if he were to file a caveat that prohibits all dealings. The clause also creates a “permissive list”, where a caveator can choose whether he wishes to be notified of the dealings in this list.

Clause 59 amends section 130 to change the terminology of “an instrument” to “a dealing” for consistency with the other sections in the Act.

Clause 60 amends section 132(3) to clarify that the copy of the relevant document required is a duly certified copy.

Clause 61 amends section 135 to insert a new subsection (4) to allow the Registrar to cancel an existing folio and create a new folio in favour of the transferee, where the existing certificate of title for the land is not presented with the transfer.

Clause 62 amends section 140 —

- (a) to make the requirement in subsection (5)(a) to seek planning permission consistent with section 105A(2)(a), and to clarify that the planning permission referred to is that under section 12 of the Planning Act (Cap. 232); and
- (b) to clarify that the copy of the relevant document required is a duly certified copy.

Clause 63 amends section 141 —

- (a) to clarify that a restriction which ceases to be enforceable may be cancelled by the Registrar without a need to lodge an application for its cancellation; and
- (b) to clarify that it is not necessary to produce the document of title for the servient land in order to extend the duration of a restriction.

Clause 64 amends section 142(3) to change the terminology of “instrument of title” to “document of title” for consistency with the other sections of the Act.

Clause 65 makes a technical amendment to section 143(2).

Clause 66 amends section 144(2) to clarify that a transfer of land under that provision is subject to any subsisting exceptions, reservations, covenants and conditions contained or implied in the State title.

Clause 67 makes a technical amendment to section 145(3).

Clause 68 makes a technical amendment to section 147(1); and amends section 147(1) and (3)(b) to clarify that the copy of the relevant document required is a duly certified copy.

Clause 69 amends section 150 to clarify that the copy of the relevant document required is a duly certified copy.

Clause 70 makes a consequential amendment to section 154(1) arising from the new definition of “State title”.

Clause 71 amends the heading of section 157.

Clause 72 amends section 159(6) and (7) to make some technical changes relating to the terminology of “certificate of title” and “subsidiary certificate of title”.

Clause 73 makes a technical amendment to section 161(3).

Clause 74 amends section 165(4) to insert a new paragraph (*aa*) to include a lease referred to in section 4(2)(a) or (b) of the Planning Act in that provision.

Clause 75 amends the heading of section 167.

Clause 76 amends section 169(1) to make a technical amendment and increase the penalty for an offence under that provision to “\$25,000”.

Clause 77 makes consequential amendments to sections 14(b) and 15(1) arising from the re-enactment of section 9 which uses the terminology of “fresh State title”.

Clause 78 is a savings and transitional provision relating to the repeal of sections 9, 10 and 11, and the re-enactment of section 9 (which introduces a new streamlined process for the surrender of all types of title to land to the President), and the amendments to section 43 (that introduces a new system for the replacement of certificates of title that have been lost, misplaced, etc.).

Clause 79 makes a related amendment to the Building Maintenance and Strata Management Act to enable the Registrar to issue a new folio in favour of the transferee where the subsidiary certificate of title is not produced.

Clause 80 makes related amendments to the Conveyancing and Law of Property Act.

Clause 80(a) inserts a new section 34A, which mirrors the new section 97A of the Land Titles Act inserted by clause 41 of the Bill. This confers power on the court to create easements over unregistered land if the easement is reasonably necessary for the effective use or development of the land that will have the benefit of the easement, and is not inconsistent with the public interest.

Clause 80(a) also inserts a new section 34B, which mirrors the new section 105A of the Land Titles Act inserted by clause 45 of the Bill. This empowers the court to vary, or extinguish wholly or in part, an existing easement

over unregistered land upon an application by any person with an interest in the servient tenement.

Clause 80(*b*) amends section 66A(4), which mirrors the amended section 53 of the Land Titles Act amended by clause 25 of the Bill, and applies to unregistered land.

Clause 80(*c*) inserts a new subsection (6) to section 66A, which deems a deed of declaration that has been sent by registered post, as served on the joint tenants to whom it has been addressed.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
