



BERMUDA

LAND TITLE REGISTRATION RULES 2018

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The Minister responsible for land title registration, in exercise of the powers conferred by section 123 of the Land Title Registration Act 2011, and all other powers in the Act enabling him to do so, makes the following Rules:

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### Citation

- 1 These Rules may be cited as the Land Title Registration Rules 2018.

### Interpretation

- 2 (1) In these Rules, unless the context otherwise requires—
- “the Act” means the Land Title Registration Act 2011;
- “business day” means a day when the LTRO is open to the public under rule 184, being every day that is not a Saturday, Sunday or other public holiday;
- “certified copy” means a copy of a document which a person who is a commissioner for oaths (within the meaning of section 2 of the Commissioners for Oaths and Notaries Public Act 1972) has certified on its face to be a true copy of the original and endorsed with his name and address;
- “control”, in relation to a document of which a person has control, means physical possession, or the right to possession, or the right to take copies of the document;
- “incumbrances section” is the section of an individual register so named in section 19(2)(c) of the Act, the contents of which are described in rule 9;
- “individual register” means an individual register referred to in section 19(1) of the Act, the contents and arrangement of which are described in rules 3 and 4;
- “Land Title Registry Index Map” has the meaning given by rule 10(1);
- “office copy” means a copy certified in accordance with section 3(1)(c) of the Supreme Court (Records) Act 1955;
- “parcel” means a parcel of land;
- “parcel number” has the meaning given by rule 4(1);
- “property section” is the section of an individual register so named in section 19(2)(a) of the Act, the contents of which are described in rules 5, 6 and 7;
- “proprietary section” is the section of an individual register so named in section 19(2)(b) of the Act, the contents of which are described in rule 8;
- “registered parcel” means a parcel that comprises the land in a registered estate;
- “Schedule D form” means a form listed in Part 1 of Schedule D;
- “trust corporation” has the same meaning as in section 1 of the Trustee Act 1975;
- “work queue” has the same meaning given by rule 12.
- (2) A reference in these Rules to a form by a combination of both letter and number is to a Schedule D form.
- (3) A reference in these Rules to any form by only the letter A to S is to the standard form of restriction bearing that letter in Schedule B.

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### PART 1

#### THE LAND TITLE REGISTER

##### Form and arrangement of the land title register

3 (1) The land title register may be kept in electronic or paper form, or partly in one form and partly in the other as the registrar may determine.

(2) Subject to paragraphs (3) to (6), the land title register shall include an individual register for each registered estate which is—

- (a) an estate in land; or
- (b) a rentcharge or profit a prendre in gross,

vested in an owner.

(3) On first registration of an estate, the registrar may open an individual register for each separate area of land affected by the owner's estate as the registrar designates.

(4) Subsequently, the registrar may open a separate individual register for part of the registered estate in an individual register and retain the existing individual register for the remainder—

- (a) on the application of the owner of the registered estate and of any registered charge over it;
- (b) if he considers it desirable for the keeping of the land title register; or
- (c) on the registration of a charge of part of the registered estate comprised in the individual register.

(5) The registrar may amalgamate two or more individual registers, or add an estate which is being registered for the first time to an existing individual register, if the estates are of the same kind and are vested in the same owner—

- (a) on the application of the owner of the registered estate and of any registered charge over it; or
- (b) if he considers it desirable for the keeping of the land title register.

(6) Where the registrar has amalgamated individual registers or an estate on first registration with an individual register under paragraph (5)(b) he—

- (a) shall notify the owner of the registered estate and any registered charge, unless they have agreed to such action; and
- (b) may make a new edition of any individual register or make entries on any individual register to reflect the division or amalgamation.

##### Arrangement of individual registers

4 (1) Each individual register shall have a distinguishing number, or series of letters and numbers, known as the “parcel number”.

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(2) Each individual register shall consist of a property section, a proprietorship section and, where necessary, an incumbrances section.

(3) An entry in an individual register may be made by reference to a plan or other document, in which case the registrar shall keep an electronic or paper copy of the document.

(4) Whenever the registrar considers it desirable, he may make a new edition of any individual register so that it contains only the subsisting entries, rearrange the entries in the register or alter its parcel number.

### Contents of the property section

5 The property section of a registered estate shall contain—

- (a) a description of the registered estate;
- (b) an indication of the class of the title, including whether the estate is registered with absolute or provisional title;
- (c) the parcel number, original registration date and area of the registered estate;
- (d) where appropriate, details of—
  - (i) the inclusion or exclusion of mines and minerals in or from the registration under rule 33;
  - (ii) easements, rights, privileges, conditions and covenants benefiting the registered estate and other similar matters;
  - (iii) any other matter required to be entered in any other part of the register which the registrar considers may more conveniently be entered in the property section; and
- (e) such other matters as are required to be entered in the property section by the Act or by these Rules.

### Property section of a registered leasehold estate

6 (1) The property section of a registered leasehold estate shall also contain sufficient particulars of the registered lease to enable that lease to be identified.

(2) If the lease contains a provision that prohibits or restricts dispositions of the leasehold estate, the registrar shall make an entry in the property section stating that all estates, rights, interests, powers and remedies arising on or by reason of a disposition made in breach of that prohibition or restriction are excepted from the effect of registration.

### Property section of a registered estate in a rentcharge or a profit a prendre in gross

7 The property section of a registered estate in a rentcharge or a profit a prendre in gross shall, if the estate was created by an instrument, also contain sufficient particulars of the instrument to enable it to be identified.

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### Contents of the proprietorship section

8 (1) The proprietorship section of a registered estate shall contain, where appropriate—

- (a) the name of the owner of the registered estate including, where the owner is a company registered under the Companies Act 1981, a limited liability company formed under the Limited Liability Company Act 2016, or a limited partnership incorporated under the Limited Partnership Act 1883, its registered number;
- (b) an address for service of the owner of the registered estate in accordance with rule 168;
- (c) restrictions under section 58 of the Act, including one entered under section 105(6) of the Act, in relation to the registered estate;
- (d) notices under section 105(3) of the Act in relation to the registered estate;
- (e) positive covenants and indemnity covenants entered under rules 67 or 68 respectively;
- (f) where title has been acquired by way of adverse possession, the name of the first owner of the registered estate and, where that owner is a company registered under the Companies Act 1981, a limited liability company formed under the Limited Liability Company Act 2016, or a limited partnership incorporated under the Limited Partnership Act 1883, its registered number; and
- (g) such other matters as are required to be entered in the proprietorship section by the Act or by these Rules.

(2) On first registration and on a subsequent change of owner, the registrar whenever practicable shall enter in the proprietorship section the price paid or value declared and such entry shall remain until there is a change of owner, or some other change in the land title register which the registrar considers would result in the entry being misleading.

### Contents of the incumbrances section

9 The incumbrances section of a registered estate shall contain, where appropriate—

- (a) details of leases, charges, and any other interests which adversely affect the registered estate subsisting at the time of first registration of the estate or created thereafter;
- (b) any dealings with the interests referred to in paragraph (a), or affecting their priority, which are capable of being noted on the register;
- (c) sufficient details to enable any registered charge to be identified;
- (d) the name of the chargee of any registered charge including, where the chargee is a company registered under the Companies Act 1981, a limited liability company formed under the Limited Liability Company Act 2016,

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or a limited partnership incorporated under the Limited Partnership Act 1883, its registered number;

- (e) an address for service of the chargee of any registered charge in accordance with rule 168;
- (f) restrictions under section 58 of the Act, including one entered under section 105(6) of the Act, in relation to a registered charge;
- (g) notices under section 105(3) of the Act in relation to a registered charge; and
- (h) such other matters affecting the registered estate or any registered charge as are required to be entered in the incumbrances section by the Act or by these Rules.

### PART 2

### INDICES

Land Title Registry Index Map to be kept under section 15 of the Act

10 (1) The Land Title Registry Index Map (LTRIM) to be kept under section 15 of the Act shall comprise an index map from which it is possible to ascertain, in relation to a parcel, whether there is—

- (a) a registered estate in land;
- (b) a registered rentcharge;
- (c) a registered profit a prendre in gross;
- (d) a registered easement; or
- (e) a caution against first registration, and

if there is such a registered estate or caution, the parcel number.

(2) The information required to be shown in the index map to be kept under section 15 is to be entered by the registrar in the index map as soon as practicable.

Index of non-Bermudian owners' names

11 (1) The registrar shall keep an index of the names of owners of land who do not possess Bermudian status (within the meaning of the Bermuda Immigration and Protection Act 1956), showing for each individual register the name of the owner of the registered estate and the owner of any registered charge together with the parcel number and the area of the registered parcel.

(2) A person may apply for a search to be made in the index in respect of either his own name or the name of some other person in whose property he can satisfy the registrar that he—

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- (a) is interested generally (for instance as trustee in bankruptcy or personal representative); or
- (b) otherwise has a valid reason for making the search.

(3) On acceptance of such an application the registrar shall make the search and supply the applicant with details of every entry in the index relating to the particulars given in the application.

### The work queue

12 (1) The registrar shall keep a record (known as the “work queue”) showing the date and time at which every pending application under the Act or these Rules was made and of every application for an official search with priority under rule 134.

(2) The entry of a notice of an application for an official search with priority shall remain on the register until the priority period conferred by the entry has ceased to have effect.

(3) Where the registrar proposes to alter the register without having received an application he shall enter his proposal on the work queue and, when so entered, the proposal shall have the same effect for the purposes of rules 15 and 20 as if it were an application to the registrar made at the date and time of its entry.

(4) In this rule the term “pending application” does not include an application under Part 14, other than an application that the registrar designate a document as an exempt information document under rule 126.

## PART 3

### APPLICATIONS: GENERAL PROVISIONS

#### Form A2

13 (1) Any application made under the Act or these Rules for which no other application form is provided by these Rules shall be made in Form A2.

(2) Paragraph (1) does not apply to—

- (a) an application to remove from the register the name of a deceased joint registered owner; or
- (b) applications made under rule 14.

#### Electronic delivery of applications

14 Any application may during the currency of any notice given under rule 185, and subject to and in accordance with the limitations contained in that notice, be delivered by electronic means and the applicant shall provide, in such sequential order as may be required by that notice, such of the particulars required for an application of that type as are appropriate in the circumstances and as are required by the notice.

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### Time at which applications are taken to be made

15 (1) An application received on a business day is to be taken as made at the earlier of—

- (a) the time of the day that notice of it is entered in the work queue;
- (b) midnight marking the end of the day it was received if the application was received before 12 noon; or
- (c) midnight marking the end of the next business day after the day it was received if the application was received at or after 12 noon.

(2) An application received on a day which is not a business day is to be taken as made at the earlier of—

- (a) the time of a business day that notice of it is entered in the work queue; or
- (b) midnight marking the end of the next business day after the day it was received.

(3) In this rule an application is received when it is delivered—

- (a) to the LTRO;
- (b) to the registrar in accordance with a written arrangement as to delivery made between the registrar and the applicant or between the registrar and the applicant's attorney; or
- (c) to the registrar under the provisions of any relevant notice.

### Applications not in order

16 (1) If an application is not in order the registrar may raise such requisitions as he considers necessary, specifying a period (being not less than four weeks) within which the applicant shall comply with the requisitions.

(2) If the applicant fails to comply with the requisitions within that period, the registrar may cancel the application or may extend the period when this appears to him to be reasonable in the circumstances.

(3) If an application appears to the registrar to be substantially defective, he may reject it on delivery or he may cancel it at any time thereafter.

(4) For the avoidance of doubt, where a fee for an application is paid by means of a cheque and the registrar becomes aware, before that application has been completed, that the cheque has not been honoured, the application may be cancelled.

### Additional evidence and enquiries

17 If the registrar at any time considers that the production of any further documents or evidence or the giving of any notice is necessary or desirable, he may refuse to complete or proceed with an application, or to do any act or make any entry, until such documents, evidence or notices have been supplied or given.

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### Continuation of application on a transfer by operation of law

18 If, before an application has been completed, the whole of the applicant's interest is transferred by operation of law, the application may be continued by the person entitled to that interest in consequence of that transfer.

### Objections

19 (1) Subject to paragraph (5), an objection under section 92 of the Act to an application shall be made by delivering to the registrar a written statement, in Form ADJ1 with such variations as the circumstances may require, signed by the objector or his attorney.

(2) The statement shall—

- (a) state that the objector objects to the application;
- (b) state the grounds for the objection; and
- (c) give the full name and date of birth of the objector and an address to which communications may be sent.

(3) Subject to paragraph (5), the written statement referred to in paragraph (1) shall be delivered—

- (a) in paper form; or
- (b) to the electronic address; or
- (c) to the fax number.

(4) In paragraph (3) the reference to the electronic address and the fax number is to the electronic address or fax number for the LTRO.

(5) Where a person is objecting to an application in response to a notice given by the registrar, he may alternatively do so in the manner and to the address stated in the notice as provided by rule 167(1)(c).

(6) A statement delivered in the manner prescribed in paragraph (3) will only be deemed to have been delivered once such delivery has been acknowledged by the registrar.

### Completion of applications

20 Any entry in, removal of an entry from, or alteration of the register pursuant to an application under the Act or these Rules has effect from the time of the making of the application.

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### PART 4

#### FIRST REGISTRATION

##### First registration—application by mortgagee

21 A mortgagee under a mortgage falling within section 24(1)(d) of the Act may make an application in the name of the mortgagor for the estate charged by the mortgage to be registered whether or not the mortgagor consents.

##### Registration of an owner of a charge falling within section 24(1)(d) of the Act

22 (1) This rule applies to an application for first registration made—

- (a) under rule 21; or
- (b) by the owner of an estate that is subject to a legal charge falling within section 24(1)(d) of the Act.

(2) The registrar shall enter the mortgagee of the legal charge falling within section 24(1)(d) of the Act as the owner of that charge if he is satisfied of that person's entitlement.

##### First registration—application form

23 (1) Subject to paragraph (2), an application for first registration shall be made in Form A1.

(2) Where Her Majesty applies for the first registration of an estate under section 98 of the Act, Form A1 shall be used with such modifications to it as are appropriate and have been approved by the registrar.

##### Documents to be delivered with a first registration application

24 (1) Unless the registrar otherwise directs, every application for first registration shall be accompanied by—

- (a) a survey plan (subject to rules 25 and 26), so that the land can be identified clearly on the Land Title Registry Index Map;
- (b) in the case of a leasehold estate, the original or counterpart lease, if in the control of the applicant, or a certified copy where permitted by the registrar;
- (c) all deeds and documents relating to the title that are in the control of the applicant; and
- (d) a list in duplicate in Form DL of all the documents delivered.

(2) On an application to register a rentcharge or profit a prendre in gross, the land to be identified under paragraph (1)(a) is the land affected by that estate or to which it relates.

##### First registration of mines and minerals

25 When applying for first registration of an estate in mines and minerals held apart from the surface, the applicant shall provide—

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- (a) a survey plan of the surface under which the mines and minerals lie;
- (b) any other sufficient details by plan or otherwise so that the mines and minerals can be identified clearly; and
- (c) full details of rights incidental to the working of the mines and minerals.

First registration of cellars, basements, apartments, tunnels etc

26 (1) Subject to paragraph (2), unless all of the land above and below the surface is included in an application for first registration, the applicant shall provide a survey plan of the surface on, under or over which the land to be registered lies, and sufficient information to define the vertical and horizontal extents of the land.

(2) This rule does not apply where only mines and minerals are excluded from the application.

First registration of settled land

27 Schedule A makes provision for the purposes of the Act in relation to an application for registration of estates in land held as settled land.

First registration application where title documents are unavailable

28 An application for first registration by a person who is unable to produce a full documentary title shall be supported by evidence—

- (a) to satisfy the registrar that the applicant is entitled to apply under section 21(2) of the Act or required to apply under section 25(1) of the Act; and
- (b) where appropriate, to account for the absence of documentary evidence of title.

Duty to disclose unregistered interests that override first registration

29 (1) Subject to paragraph (2), a person applying for first registration shall provide information, in writing, to the registrar about any of the interests that fall within Schedule 2 to the Act that—

- (a) are within the actual knowledge of the applicant; and
- (b) affect the estate to which the application relates.

(2) The applicant is not required to provide information about—

- (a) an interest that under section 51 of the Act cannot be protected by notice;
- (b) an interest that is apparent from the deeds and documents of title accompanying the application under rule 24;
- (c) a public right;
- (d) a leasehold estate in land if—
  - (i) it is within paragraph 1 of Schedule 2 to the Act; and

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- (ii) at the time of the application, the term granted by the lease has one year or less to run.

(3) In this rule and in Form A1, a “disclosable overriding interest” is an interest that the applicant shall provide information about under paragraph (1).

(4) Where the applicant provides information about a disclosable overriding interest under this rule, the registrar may enter a notice in the register in respect of that interest.

### First registration—examination of title

30 In examining the title shown by the documents accompanying an application for first registration the registrar shall have regard to any examination of title by an attorney prior to the application and to the nature of the property.

### Searches and enquiries by the registrar

31 In examining title on an application for first registration the registrar may—

- (a) make searches and enquiries and give notices to other persons;
- (b) direct that searches and enquiries be made by the applicant.

### First registration—foreshore

32 (1) Where it appears to the registrar that any land included in an application for first registration comprises foreshore, he shall serve a notice of that application on the Government Department responsible for the time being for the Government and Crown estate.

(2) A notice under paragraph (1) shall provide a period ending at 12 noon one calendar month after the date of issue of the notice in which to object to the application.

(3) A notice need not be served under paragraph (1) where, if it were served, it would result in it being served on the applicant for first registration.

(4) In this rule “foreshore” means the shore and bed of the sea and of any tidal water below the line of the median high tide between the spring and neap tides.

### Mines and minerals—note as to inclusion or exclusion

33 Where, on first registration of an estate in land which comprises or includes the land beneath the surface, the registrar is satisfied that the mines and minerals are included in, or excluded from, the applicant’s title he shall make an appropriate note in the register.

### First registration—entry of beneficial rights

34 (1) The benefit of an appurtenant right may be entered in the register at the time of first registration if—

- (a) on examination of the title; or
- (b) on receipt of a written application providing details of the right and evidence of its existence,

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the registrar is satisfied that the right subsists as a legal interest and benefits the registered estate.

(2) If the registrar is not satisfied that the right subsists as a legal interest benefiting the registered estate, he may enter details of the right claimed in the property section with such qualification as he considers appropriate.

First registration of an owner of a legal charge not within rule 22 or rule 39

35 (1) The registrar shall enter the owner of a legal charge to which this rule applies as the owner of that charge if on first registration of the estate in land charged by that charge he is satisfied of that person's entitlement.

(2) This rule applies to a legal mortgage—

(a) which is either—

(i) a charge on the estate that is being registered; or

(ii) a charge on such charge; and

(b) which is not a charge falling within rule 22 or rule 39.

First registration—entry of burdens

36 (1) On first registration, the registrar shall enter a notice in the incumbrances section of the burden of any interest which appears from his examination of the title to affect the registered estate.

(2) This rule does not apply to—

(a) an interest that under section 51 of the Act cannot be protected by notice;

(b) a public right; or

(c) an interest which appears to the registrar to be of a trivial or obvious character, or the entry of a notice in respect of any interest the entry of which would be likely to cause confusion or inconvenience.

First registration—note as to rights of light and air

37 On first registration, if it appears to the registrar that an agreement prevents the acquisition of rights of light or air for the benefit of the registered estate, he may make an entry in the property section of that estate.

First registration—notice of lease

38 (1) Subject to paragraph (2), before completing an application for registration of a leasehold estate with absolute title, the registrar shall give notice of the application to the owner of the registered reversion.

(2) This rule only applies where—

(a) at the time of the grant of the lease—

(i) the reversion was not registered; or

- (ii) the reversion was registered but the grant of the lease was not required to be completed by registration;
  - (b) the lease is not noted in the register of the registered reversion; and
  - (c) it is not apparent from the application that the owner of the registered reversion consents to the registration.
- (3) On completing registration of the leasehold estate, the registrar shall enter notice of the lease in the register of the registered reversion.
- (4) In this rule, “the reversion” refers to the estate that is the immediate reversion to the lease that is the subject of the application referred to in paragraph (1) and “registered reversion” refers to such estate when it is a registered estate.

Application of the Act to dealings prior to first registration

- 39 (1) If, while a person is subject to a duty under section 25 of the Act to make an application to be registered as owner of an estate, there is a dealing with that estate, then the Act applies to that dealing as if the dealing had taken place after the date of first registration of that estate.
- (2) The registration of any dealing falling within paragraph (1) that is delivered for registration with the application made pursuant to section 25 has effect from the time of the making of that application.

PART 5

THE REGISTER OF CAUTIONS

Definitions

- 40 In this Part—
- “cautioner” has the same meaning as in section 34 of the Act (read with rule 53);
- “cautioner’s section” is the section so named in rule 42(2) the contents of which are described in rule 42(5); and
- “relevant interest” means the interest claimed by the cautioner in the unregistered registrable estate to which the caution against first registration relates.

Form and arrangement of the cautions register

- 41 (1) The cautions register may be kept in electronic or paper form, or partly in one form and partly in the other.
- (2) Subject to paragraph (3), the cautions register shall comprise an individual caution register for each caution against the registration of title to an unregistered estate.
- (3) On registration of a caution, the registrar may open an individual caution register for each separate area of land affected by the caution as he designates.

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### Arrangement of individual caution sections

42 (1) Each individual caution register shall have a distinguishing number, or series of letters and numbers, known as the caution parcel number.

(2) Each individual caution register shall be in two parts called the caution property section and the cautioner's section.

(3) The caution property section shall contain—

- (a) a description of the estate in land to which the caution relates; and
- (b) a description of the relevant interest.

(4) Where the caution relates to an estate in land, a profit a prendre in gross, or a rentcharge, the description shall refer to the Land Title Registry Index Map.

(5) The cautioner's section shall contain—

- (a) the name of the cautioner including, where the cautioner is a company registered under the Companies Act 1981, a limited liability company formed under the Limited Liability Company Act 2016, or a limited partnership incorporated under the Limited Partnership Act 1883, its registered number;
- (b) an address for service in accordance with rule 168; and
- (c) where appropriate, details of any person consenting to the lodging of the caution under rule 48.

### Caution against first registration—application

43 An application for a caution against first registration shall be made in Form A4 and contain sufficient details, by plan or otherwise, so that the extent of the land to which the caution relates can be identified.

### Withdrawal of a caution against first registration—application

44 An application to withdraw a caution against first registration shall be made in writing and, if the application is made in respect of part only of the land to which the individual caution register relates, it shall contain sufficient details, by plan or otherwise, so that the extent of that part can be identified.

### Cancellation of a caution against first registration—application

45 (1) An application for the cancellation of a caution against first registration shall be in writing and delivered to the LTRO.

(2) Where the application is made in respect of part only of the land to which the individual caution register relates, it shall contain sufficient details, by plan or otherwise, so that the extent of that part can be identified.

(3) Where a person applies under section 38(1)(a) of the Act or rule 46(a) or (b)(ii), evidence to satisfy the registrar that he is entitled to apply shall accompany the application.

(4) Where the applicant, or a person from whom the applicant derives title to the unregistered registrable estate by operation of law, has consented to the lodging of the caution, evidence of the facts referred to in rule 47 shall accompany the application.

Other persons who may apply to cancel a caution against first registration

46 In addition to the owner of the estate to which the caution relates—

- (a) the owner of an unregistered registrable estate derived out of that estate;  
and
- (b) where the land to which the caution relates is demesne land—
  - (i) Her Majesty; or
  - (ii) the owner of an unregistered registrable estate affecting the demesne land,

may apply under section 38(1)(b) of the Act for cancellation of a caution against first registration.

Application for cancellation of a caution against first registration by a person who originally consented

47 A person to whom section 38(2) of the Act applies may make an application for cancellation of a caution against first registration only if—

- (a) the relevant interest has come to an end; or
- (b) the consent referred to in section 38(2) was induced by fraud, misrepresentation, mistake or undue influence or given under duress.

Consent to registration of a caution against first registration

48 For the purposes of section 38(2) of the Act a person consents to the lodging of a caution against first registration if before the caution is entered in the cautions register—

- (a) he has confirmed in writing that he consents to the lodging of the caution;  
and
- (b) that consent is produced to the registrar.

Alteration of the cautions register by the court

49 (1) If in any proceedings the court decides that the cautioner does not own the relevant interest, or only owns part, or that such interest either wholly or in part did not exist or has come to an end, the court shall make an order for alteration of the cautions register under section 40(1) of the Act.

(2) An order for alteration of the cautions register shall state the caution parcel number of the individual caution register affected, describe the alteration that is to be made, and direct the registrar to make the alteration.

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(3) For the purposes of section 40(2) of the Act an order for alteration of the cautions register may only be served on the registrar by making an application for him to give effect to the order.

### Alteration of the cautions register by the registrar

50 If the registrar is satisfied that the cautioner does not own the relevant interest, or only owns part, or that such interest did not exist or has come to an end wholly or in part, he shall on application alter the cautions register under section 41(1) of the Act.

### Applications to the registrar to alter the cautions register and service of notice

51 (1) A person who wishes the registrar to alter the cautions register under section 41(1) of the Act shall request the registrar to do so by an application, which shall include—

- (a) written details of the alteration required and of the grounds on which the application is made; and
- (b) any supporting documents.

(2) Before the registrar alters the cautions register under section 41(1) of the Act he shall serve a notice on the cautioner giving details of the application, unless the registrar is satisfied that service of the notice is unnecessary.

### Alteration of the cautions register—alteration of cautioner

52 (1) A person who claims that the whole of the relevant interest described in an individual caution register is vested in him by operation of law as successor to the cautioner may apply for the register to be altered under section 41(1) of the Act to show him as cautioner in the cautioner's section in place of the cautioner.

(2) If the registrar does not serve notice under rule 51(2) or if the cautioner does not object within the time specified in the notice, the registrar shall give effect to the application.

### Definition of “the cautioner”

53 For the purpose of Part 8 (“Cautions Against First Registration”) and section 92(2) of the Act, the other person referred to in sections 34 and 92(2) of the Act shall be the person for the time being shown as the cautioner in the cautioner's section, where that person is not the person who lodged the caution against first registration.

### Prescribed periods under sections 36(2) and 38(4) of the Act

54 (1) The period, for the purpose of sections 36(2) and 38(4) of the Act, is the period ending at 12 noon one calendar month after the date of issue of the notice under section 36(1) or 38(3) of the Act, as the case may be, or such longer period as the registrar may allow following a request under paragraph (2), provided that the longer period never exceeds a period ending at 12 noon two calendar months after the date of issue of the notice.

(2) The request referred to in paragraph (1) is one by the cautioner to the registrar setting out why the longer period referred to in that paragraph should be allowed.

(3) If a request is received under paragraph (2), the registrar may, if he considers it appropriate, seek the views of the person who applied for registration or cancellation, as the case may be, and if, after considering any such views and all other relevant matters, he is satisfied that a longer period should be allowed he may allow such period (not exceeding a period ending at 12 noon two calendar months after the date of issue of the notice) as he considers appropriate, whether or not the period is the same as any period requested by the cautioner.

(4) A request under paragraph (2) shall be made before the period ending at 12 noon one calendar month after the date of issue of the notice has expired.

## PART 6

### JUDGMENT REGISTER

#### Form and arrangement of judgment register

55 (1) The judgment register may be kept in electronic or paper form, or partly in one form and partly in the other.

(2) Subject to paragraph (3), the judgment register shall comprise an individual judgment register for each judgment.

(3) On registration of a judgment, the registrar may open an individual register for each separate area of land affected by the judgment as he designates.

#### Arrangement of individual judgment sections

56 (1) Each individual judgment register shall have a distinguishing number known as the judgment number.

(2) Each individual judgment register shall be in two parts called the judgment property section and the debtor section.

(3) The judgment property section shall contain—

- (a) a description of the estate in land to which the judgment relates; and
- (b) a description of the relevant judgment.

(4) The debtor section shall contain—

- (a) the name of the debtor and enough details to identify the debtor including, if the debtor is a company registered under the Companies Act 1981, a limited liability company formed under the Limited Liability Company Act 2016, or a limited partnership incorporated under the Limited Partnership Act 1883, its registered number; and
- (b) an address for service in accordance with rule 168.

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### Application for judgment registration

57 An application to register a judgment shall be made in such form as the registrar may determine and shall contain sufficient details to identify the extent of the land to which the judgment relates.

### Cancellation of judgment registration

58 (1) An application for the cancellation of the registration of a judgment shall be in writing and submitted to the registrar with sufficient evidence to satisfy the registrar that the judgement may be cancelled, and shall be delivered to the LTRO.

(2) Where the application is made in respect of part only of the land to which the judgment register relates, it shall contain sufficient details, by plan or otherwise, so that the extent of the land to be released can be identified clearly on the Land Title Registry Index Map.

## PART 7

### REGISTERED LAND: APPLICATIONS, DISPOSITIONS AND MISCELLANEOUS ENTRIES

#### Priority of applications

59 (1) Where two or more applications relating to the same individual register are under the provisions of rule 15 taken as having been made at the same time, the order in which, as between each other, they rank in priority shall be determined in the manner prescribed by this rule.

(2) Where the applications are made by the same applicant, they rank in such order as he may specify.

(3) Where the applications are not made by the same applicant, they rank in such order as the applicants may specify that they have agreed.

(4) Where the applications are not made by the same applicant, and the applicants have not specified the agreed order of priority, the registrar shall notify the applicants that their applications are regarded as having been delivered at the same time and request them to agree, within a specified time (being not less than one calendar month), their order of priority.

(5) Where the parties fail within the time specified by the registrar to indicate the order of priority of their applications, the registrar shall propose the order of priority and serve notice on the applicants of his proposal.

(6) Any notice served under paragraph (5) shall draw attention to the right of any applicant who does not agree with the registrar's proposal to object to another applicant's application under the provisions of section 92 of the Act.

(7) Where one transaction is dependent upon another the registrar shall assume (unless the contrary appears) that the applicants have specified that the applications will have priority so as to give effect to the sequence of the documents effecting the transactions.

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### Dispositions affecting two or more individual registers

60 (1) A disposition affecting two or more individual registers may, on the written request of the applicant, be registered as to some or only one of the individual registers.

(2) The applicant may later apply to have the disposition registered as to any of the other individual registers affected by it.

### Duty to disclose unregistered interests that override registered dispositions

61 (1) Subject to paragraph (2), a person applying to register a registrable disposition of a registered estate shall, in writing, provide information to the registrar about any of the interests that fall within Schedule 5 to the Act that—

- (a) are within the actual knowledge of the applicant; and
- (b) affect the estate to which the application relates.

(2) The applicant is not required to provide information about—

- (a) an interest that under section 51 of the Act cannot be protected by notice;
- (b) a public right;
- (c) a leasehold estate in land if—
  - (i) it is within paragraph 1 of Schedule 5 to the Act; and
  - (ii) at the time of the application, the term granted by the lease has one year or less to run.

(3) In this rule and in Form A1, a “disclosable overriding interest” is an interest that the applicant shall provide information about under paragraph (1).

(4) The applicant shall produce to the registrar any documentary evidence, of the existence of a disclosable overriding interest, that is under his control.

(5) Where the applicant provides information about a disclosable overriding interest under this rule, the registrar may enter a notice in the register in respect of that interest.

### Form of transfer of registered estates

62 A transfer of a registered estate shall be in the appropriate form (Form R1, R2, R3 R4, R16, or R21) prescribed in Part 2 of Schedule D.

### Transfers by way of exchange

63 (1) Where any registered estate is transferred wholly or partly in consideration of a transfer of another estate, the transaction shall be effected by a transfer in one of the forms prescribed by rule 62.

(2) A receipt for the equality money (if any) shall be given and the following provision shall be included in the additional provisions panel—

“This transfer is in consideration of a transfer [or conveyance as appropriate] of [brief description of property exchanged] dated today [and if applicable] and of the sum stated above paid for equality of exchange.”.

Transfer of leasehold land, the rent being apportioned or land exonerated

64 A transfer of a registered leasehold estate in land which contains a legal apportionment of or exoneration from the rent reserved by the lease shall include the following statement in the additional provisions panel, with any necessary alterations and additions—

“Liability for the payment of [if applicable the previously apportioned rent of (amount) being part of] the rent reserved by the registered lease is apportioned between the Transferor and the Transferee as follows—

[amount in Bermuda dollars] shall be payable out of the Property and the balance shall be payable out of the land remaining in parcel number [parcel number of retained land] or the whole of that rent shall be payable out of the Property and none of it shall be payable out of the land remaining in parcel number [parcel number of retained land] or the whole of that rent shall be payable out of the land remaining in parcel number [parcel number of retained land] and none of it shall be payable out of the Property.”.

Documents executed in accordance with the Powers of Attorney Act 1944

65 (1) If any document executed, in accordance with the Powers of Attorney Act 1944, by a donee under a power is delivered to the LTRO, there shall be produced to the registrar—

- (a) the instrument creating the power; or
- (b) a copy of the power certified as accurate and complete by a person duly admitted under the Supreme Court Act 1905 to practise as a barrister and attorney in the Supreme Court.

(2) In this rule, “power” means a power of attorney.

Evidence of non-revocation of power more than 12 months old

66 (1) If any transaction between a donee of a power of attorney and the person dealing with him is not completed within 12 months of the date on which the power came into operation, the registrar may require the production of evidence to satisfy him that the power had not been revoked at the time of the transaction.

(2) The evidence that the registrar may require under paragraph (1) may consist of or include an affidavit by the person who dealt with the donee or a certificate given by that person’s attorney (being, for the avoidance of doubt, a person duly admitted under the Supreme Court Act 1905 to practise as a barrister and attorney in the Supreme Court).

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### Positive covenants

67 (1) The registrar may make an appropriate entry in the proprietorship section of any positive covenant that relates to a registered estate given by the owner or any previous owner of that estate.

(2) Any entry made under paragraph (1) shall, where practicable, refer to the instrument that contains the covenant.

(3) If it appears to the registrar that a covenant referred to in an entry made under paragraph (1) does not bind the current owner of the registered estate, he shall remove the entry.

### Indemnity covenants

68 (1) The registrar may make an appropriate entry in the proprietorship section of an indemnity covenant given by the owner of a registered estate in respect of any positive covenant or other matter that affects that estate.

(2) Any entry made under paragraph (1) shall, where practicable, refer to the instrument that contains the indemnity covenant.

(3) If it appears to the registrar that a covenant referred to in an entry made under paragraph (1) does not bind the current owner of the registered estate, he shall remove the entry.

### Covenants implied under Conveyancing Act 1983

69 (1) Subject to paragraph (2), a registrable disposition may be expressed to be made either with absolute title, with absolute title or with provisional title.

(2) In the case of a registrable disposition to which sections 19 and 20 of the Conveyancing Act 1983 apply—

- (a) a person may be expressed to execute, transfer or charge as beneficial owner, settlor, trustee, mortgagee, or personal representative of a deceased person or under an order of the court, and the document effecting the disposition may be framed accordingly; and
- (b) any covenant implied by virtue of sections 19 and 20 of the Conveyancing Act 1983 in such a disposition shall take effect as though the disposition was expressly made subject to—
  - (i) all charges and other interests that are registered at the time of the execution of the disposition and affect the title of the covenantor; and
  - (ii) any of the matters falling within Schedule 5 to the Act of which the purchaser has notice and subject to which it would have taken effect, had the land been unregistered.

(3) The benefit of any covenant implied under sections 19 and 20 of the Conveyancing Act 1983 shall, on and after the registration of the disposition in which it is implied, be annexed and incident to and shall go with the registered ownership of the

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interest for the benefit of which it is given and shall be capable of being enforced by the owner for the time being of that interest.

(4) The provisions of paragraphs (2)(b) and (3) are in addition to, and not in substitution for, the other provisions relating to covenants contained in the Conveyancing Act 1983.

(5) Except as provided in paragraph (6), no reference to any covenant implied by virtue of sections 19 and 20 of the Conveyancing Act 1983 shall be made in the register.

(6) A reference may be made in the register where a registrable disposition of leasehold land limits or extends the covenant implied under sections 19 and 20 of the Conveyancing Act 1983.

### Additional provisions as to implied covenants

70 (1) A document effecting a registrable disposition which contains a provision limiting or extending any covenant implied by virtue of the Conveyancing Act 1983 shall include a statement referring to the section of that Act in which the covenant is set out.

(2) The statement required by paragraph (1) shall be in one of the following forms—

- (a) “The covenant set out in section [number] of the Conveyancing Act 1983 shall [not] extend to ... ..”; or
- (b) “The [transferor or lessor] shall not be liable under any of the covenants set out in section [number] of the Conveyancing Act 1983”.

### Transfer of registered estate subject to a rentcharge

71 (1) Where the covenants set out in Part VII or Part VIII of the Second Schedule to the Conveyancing Act 1983 are included in a transfer, the references to “the grantees”, “the conveyance” and “the conveying parties” shall be treated as references to the transferees, the transfer and the transferors respectively.

(2) Where in a transfer to which section 20(1)(B) of the Conveyancing Act 1983 does not apply, part of a registered estate affected by a rentcharge is, without the consent of the owner of the rentcharge, expressed to be exonerated from the entire rent, and the covenants in paragraph (ii) of Part VIII of the Second Schedule to the Conveyancing Act 1983 are included, that paragraph shall apply as if—

- (a) any reference to the balance of the rentcharge were to the entire rent; and
- (b) the words “other than the covenant to pay the entire rent,” were omitted.

(3) Where in a transfer to which section 20(1)(B) of the Conveyancing Act 1983 does not apply, part of a registered estate affected by a rentcharge is, without the consent of the owner of the rentcharge, expressed to be subject to or charged with the entire rent, and the covenants in paragraph (i) of Part VIII of the Second Schedule to the Conveyancing Act 1983 are included, that paragraph shall apply as if—

- (a) any reference to the apportioned rent were to the entire rent; and

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- (b) the words “(other than the covenant to pay the entire rent)” were omitted.
- (4) On a transfer of a registered estate subject to a rentcharge—
  - (a) any covenant implied by section 20(1)(A) and (B) of the Conveyancing Act 1983 may be modified or negated; and
  - (b) any covenant included in the transfer may be modified, by adding suitable words to the transfer.

### Description of land where mines or minerals are situated

72 (1) This rule applies where—

- (a) a registered estate in land includes any mines or minerals but there is no note in the register that the title to the registered estate includes the mines or minerals; and
- (b) it is appropriate (for instance, because of a registrable disposition of part of the registered estate, or on a sub-division or amalgamation of an individual register) when describing the registered estate to do so by reference to the land where the mines or minerals are or may be situated.

(2) After the description required to be made in the property section under rule 5(a), the registrar may make an entry to the effect that the description is an entry made under this rule.

### Note as to inclusion of mines or minerals in the registered estate

73 (1) This rule applies where a registered estate includes any mines or minerals but there is no note in the register to that effect and the registered owner of the registered estate applies for a note to be entered that the registered estate includes the mines or minerals or specified mines or minerals.

(2) An application for the entry of the note shall be accompanied by evidence to satisfy the registrar that the mines or minerals were vested in the applicant for first registration of the registered estate at the time of first registration and were so vested in the same capacity as the remainder of the estate in land then sought to be registered.

(3) If the registrar is satisfied that mines or minerals were so vested in that applicant he shall enter the appropriate note.

### Register entries arising from transfers of part

74 (1) Subject to paragraphs (3) and (4), on a transfer of part of the registered estate in an individual register the following entries shall be made in the appropriate section of that individual register—

- (a) an entry in the property section referring to the removal of the estate comprised in the transfer; and
- (b) entries relating to any rights, covenants, provisions, and other matters created by the transfer which the registrar considers affect the retained registered estate.

(2) Subject to paragraph (4), on a transfer of part of the registered estate in an individual register entries shall be made in the appropriate section of the individual register comprising the part transferred relating to any rights, covenants, provisions, and other matters created by the transfer which the registrar considers affect the transferred part.

(3) The registrar may, instead of making the entry referred to in paragraph (1)(a), make a new edition of the individual register out of which the transfer is made and, if the registrar considers it desirable, he may allot a new parcel number to that individual register.

#### Application for register entries for express appurtenant rights over unregistered land

75 (1) An owner of a registered estate who claims the benefit of a legal easement or profit a prendre which has been expressly granted over an unregistered registrable estate may apply for it to be registered as appurtenant to his estate.

(2) The application shall be accompanied by the grant and evidence of the grantor's title to the unregistered estate.

(3) In paragraph (1) the reference to express grant does not include a grant as a result of the operation of section 7 of the Conveyancing Act 1983.

#### Application for register entries for implied or prescriptive appurtenant rights

76 (1) An owner of a registered estate who claims the benefit of a legal easement or profit a prendre, which has been acquired otherwise than by express grant, may apply for it to be registered as appurtenant to his estate.

(2) The application shall be accompanied by evidence to satisfy the registrar that the right subsists as a legal interest appurtenant to the applicant's registered estate.

(3) In paragraph (1) the reference to an acquisition otherwise than by express grant includes acquired as a result of the operation of section 7 of the Conveyancing Act 1983.

#### Qualified register entries for appurtenant rights

77 (1) This rule applies where an owner of a registered estate makes an application under rule 75 or 76 and the registrar is not satisfied that the right claimed subsists as a legal interest appurtenant to the applicant's registered estate.

(2) The registrar may enter details of the right claimed in the property section with such qualification as he considers appropriate.

#### Note as to rights of light or air

78 If it appears to the registrar that an agreement prevents the acquisition of rights of light or air for the benefit of the registered estate, he may make an entry in the property section of that estate.

#### No entry on reversionary title of a right of entry in lease

79 Where a right of re-entry is contained in a lease the registrar need not make any entry regarding such right in the individual register of the reversionary estate.

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### Note of variation of lease etc on register

80 An application to register the variation of a lease or other disposition of a registered estate or a registered charge which has been completed by registration shall be accompanied by the instrument (if any) effecting the variation and evidence to satisfy the registrar that the variation has effect at law.

### Determination of registered estates

81 (1) An application to record in the register the determination of a registered estate shall be accompanied by evidence to satisfy the registrar that the estate has determined.

(2) Subject to paragraph (3), if the registrar is satisfied that the estate has determined, he shall close the individual register to the estate and cancel any notice in any other individual register relating to it.

(3) Where an entry is made under rule 153, the registrar need not close the individual register.

## PART 8

### NOTICES

#### Certain interests to be protected by agreed notices

82 A person who applies for the entry of a notice in the register shall apply for the entry of an agreed notice where the application is for—

- (a) a notice of rights under the Law Reform (Husband and Wife) Act 1977;
- (b) a notice that a property is designated as primary family homestead within the meaning of section 1 of the Stamp Duties Act 1976; or
- (c) a notice in respect of—
  - (i) a public right; or
  - (ii) a customary right (i.e. a local usage right acquired by the inhabitants of an area through customary use).

#### Application for an agreed notice

83 (1) Subject to paragraph (2), an application for the entry in the register of an agreed notice (including an agreed notice in respect of any variation of an interest protected by a notice) shall be—

- (a) made in Form R12;
- (b) accompanied by the order or instrument (if any) giving rise to the interest claimed or, if there is no such order or instrument, such other details of the interest claimed to satisfy the registrar as to the nature of the applicant's claim; and
- (c) accompanied, where appropriate, by—

- (i) the consent referred to in section 52(4)(b) of the Act and, where appropriate, evidence to satisfy the registrar that the person applying for, or consenting to the entry of, the notice is entitled to be registered as the owner of the registered estate or charge affected by the interest to which the application relates; or
- (ii) evidence to satisfy the registrar as to the validity of the applicant's claim.

(2) Paragraph (1) does not apply to an application for the entry of a Husband and Wife notice made under rule 84.

#### Application for a Husband and Wife notice

84 (1) An application for the entry of a notice on the register as a result of an application to the court under section 5 of the Law Reform (Husband and Wife) Act 1977 shall be in Form R29.

(2) An application in Form R29 shall be accompanied by—

- (a) an office copy of the application to the court under section 5 of the Law Reform (Husband and Wife) Act 1977; or
- (b) an attorney's certificate that he holds an office copy of the application to the court under section 5 of the Law Reform (Husband and Wife) Act 1977.

#### Application for entry of a unilateral notice

85 An application for the entry in the register of a unilateral notice shall be in Form R13.

#### Entry of a notice in the register

86 (1) A notice (within the meaning of section 50 of the Act) shall be entered in the incumbrances section of the individual register affected.

(2) The entry shall identify the registered estate or registered charge affected and, where the interest protected by the notice only affects part of the registered estate in an individual register, it shall contain sufficient details, by reference to a plan or otherwise, to identify clearly that part.

(3) In the case of a notice (other than a unilateral notice), the entry shall give details of the interest protected.

(4) In the case of a notice (other than a unilateral notice) of a variation of an interest protected by a notice, the entry shall give details of the variation.

(5) In the case of a unilateral notice, the entry shall give such details of the interest protected as the registrar considers appropriate.

#### Removal of a unilateral notice

87 (1) An application for the removal of a unilateral notice from the register under section 53(3) of the Act shall be in Form R14.

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(2) The personal representative or trustee in bankruptcy of the person shown in the register as the beneficiary of a unilateral notice may apply under section 53(3) of the Act; and if he does he shall provide evidence to satisfy the registrar as to his appointment as personal representative or trustee in bankruptcy.

(3) If the registrar is satisfied that the application is in order he shall remove the notice.

### Cancellation of a unilateral notice

88 (1) An application to cancel a unilateral notice under section 54 of the Act shall be made in Form R14.

(2) An application made under section 54(2)(b) of the Act shall be accompanied by—

- (a) evidence to satisfy the registrar of the applicant's entitlement to be registered as the owner of the estate or charge to which the unilateral notice that is the subject of the application relates; or
- (b) an attorney's certificate that the attorney is satisfied that the applicant is entitled to be registered as the owner of the estate or charge to which the unilateral notice that is the subject of the application relates.

(3) The objection period referred to in section 54(4) of the Act is the period ending at 12 noon one calendar month after the date the registrar issues to the beneficiary notice under section 54(3) of the Act or such longer period as the registrar may allow following a request under paragraph (4), provided that the longer period never exceeds a period ending at 12 noon two calendar months after the issue of the notice.

(4) The request referred to in paragraph (3) is one by the beneficiary to the registrar setting out why the longer period referred to in that paragraph should be allowed.

(5) If a request is received under paragraph (4) the registrar may, if he considers it appropriate, seek the views of the person who applied for cancellation and if after considering any such views and all other relevant matters he is satisfied that a longer period should be allowed he may allow such period (not exceeding a period ending at 12 noon two calendar months after the issue of the notice) as he considers appropriate, whether or not the period is the same as any period requested by the beneficiary.

(6) A request under paragraph (4) shall be made before the period ending at 12 noon one calendar month after the date of issue of the notice under section 54(3) of the Act has expired.

(7) A person entitled to be registered as the beneficiary of a notice under rule 90 may object to an application under section 54(2) of the Act for cancellation of that notice and the reference to the beneficiary in section 54 includes such a person.

### Cancellation of a notice (other than a unilateral notice)

89 (1) An application for the cancellation of a notice which is not a unilateral notice shall be in Form R14 and be accompanied by evidence to satisfy the registrar of the determination of the interest.

(2) Where a person applies for cancellation of a notice in accordance with paragraph (1) and the registrar is satisfied that the interest protected by the notice has come to an end, he shall cancel the notice or make an entry in the register that the interest so protected has come to an end.

(3) If the interest protected by the notice has only come to an end in part, the registrar shall make an appropriate entry.

Registration of a new or additional beneficiary of a unilateral notice

90 (1) A person entitled to the benefit of an interest protected by a unilateral notice may apply to be entered in the register in place of, or in addition to, the registered beneficiary.

(2) An application under paragraph (1) shall be—

- (a) in writing; and
- (b) accompanied by evidence to satisfy the registrar of the applicant's title to the interest protected by the unilateral notice.

(3) Subject to paragraph (4), if an application is made in accordance with paragraph (2) and the registrar is satisfied that the interest protected by the unilateral notice is vested—

- (a) in the applicant, the registrar shall enter the applicant in the register in place of the registered beneficiary; or
- (b) in the applicant and the registered beneficiary, the registrar shall enter the applicant in addition to the registered beneficiary.

(4) Except where one of the circumstances specified in paragraph (5) applies, the registrar shall serve notice of the application on the registered beneficiary before entering the applicant in the register.

(5) The registrar is not obliged to serve notice on the registered beneficiary if—

- (a) the registered beneficiary consents in writing to the application; or
- (b) the applicant is the registered beneficiary's personal representative and evidence of his title to act accompanies the application.

(6) In this rule, "registered beneficiary" means the person shown in the register as the beneficiary of the notice at the time an application is made under paragraph (1).

Notice of unregistered interests

91 (1) If the registrar enters a notice of an unregistered interest under section 55(1) of the Act, he shall give notice—

- (a) subject to paragraph (2), to the registered owner; and
- (b) subject to paragraph (3), to any person who appears to the registrar to be entitled to the interest protected by the notice or whom the registrar otherwise considers appropriate.

(2) The registrar is not obliged to give notice under paragraph (1)(a) to a registered owner who applies for entry of the notice or otherwise consents to an application to enter the notice.

(3) The registrar is not obliged to give notice to a person referred to in paragraph (1)(b) if—

- (a) that person applied for the entry of the notice or consented to the entry of the notice; or
- (b) that person's name and his address for service under rule 168 are not set out in the individual register in which the notice is entered.

Application for entry of a notice under paragraph 5(2) of Schedule 4 to the Act

92 An application to meet the registration requirements under paragraph 5(2) of Schedule 4 to the Act shall be made in Form A2.

## PART 9

### RESTRICTIONS

Standard forms of restriction

93 (1) The forms of restriction set out in Schedule B are standard forms of restriction prescribed under section 61(2)(d) of the Act.

(2) For the avoidance of doubt, the word “attorney”, where it appears in any of the standard forms of restriction, has the same meaning as in section 3 of the Act.

(3) The word “registered”, where it appears in any of the standard forms of restriction in relation to a disposition, means completion of the registration of that disposition by meeting the relevant registration requirements under section 46 of the Act.

Application for a restriction and the prescribed period under section 62(2) of the Act

94 (1) Subject to paragraphs (5), (6), (7) and (8) an application for a restriction to be entered in the register shall be made in Form R10.

(2) The application shall be accompanied by—

- (a) full details of the required restriction;
- (b) if the restriction—
  - (i) requires notice to be given to a person;
  - (ii) requires a person's consent or certificate; or
  - (iii) is a standard form of restriction that refers to a named person, that person's address for service;

- (c) if the application is made with the consent of the relevant registered owner, or a person entitled to be registered as such owner, and that consent is not given in Form R10, the relevant consent;
  - (d) if the application is made by or with the consent of a person entitled to be registered as the relevant registered owner, evidence to satisfy the registrar of his entitlement; and
  - (e) if the application is made by a person who claims that he has a sufficient interest in the making of the entry, the statement referred to in paragraph (3) signed by the applicant or his attorney.
- (3) The statement required under paragraph (2)(e) shall either—
- (a) give details of the applicant's interest in the making of the entry of the required restriction; or
  - (b) if the interest is one of those specified in rule 95, state which of them.
- (4) If requested to do so, an applicant within paragraph (2)(e) shall supply further evidence to satisfy the registrar that he has a sufficient interest.
- (5) The registrar may accept a certificate given by an attorney that the attorney is satisfied that the person making or consenting to the application is entitled to be registered as the relevant owner, and that either—
- (a) the attorney holds the originals of the documents that contain evidence of that person's entitlement; or
  - (b) an application for registration of that person as owner is pending at the LTRO.
- (6) If an application is made with the consent of the relevant registered owner, or a person entitled to be registered as such owner, the registrar may accept a certificate given by an attorney that the attorney holds the relevant consent.
- (7) Paragraph (1) of this rule does not apply where—
- (a) a person applies for the entry of a standard form of restriction in the additional provisions panel of Form R1, R2, R3, R4 or R7; or
  - (b) a person applies for the entry of a standard form of restriction in an approved charge.
- (8) This rule does not apply to an application to the registrar to give effect to an order of the court made under section 63 of the Act.
- (9) The period for the purpose of section 62(2) of the Act is the period ending at 12 noon one calendar month after the date of issue of the notice under section 62(1) or, if more than one such notice is issued, the date of issue of the latest notice.
- (10) In this rule "approved charge" means a charge, the form of which (including the application for the restriction) has first been approved by the registrar.

Persons regarded as having a sufficient interest to apply for a restriction

95 The following persons are to be regarded as included in section 61(1)(c) of the Act—

- (a) any person who has an interest in a registered estate held under a trust of land where a sole owner or a survivor of joint owners (unless a trust corporation) will not be able to give a valid receipt for capital money, and who is applying for a restriction in Form A to be entered in the register of that registered estate;
- (b) any person who has a sufficient interest in preventing a trustee contravening any order made in pursuance of any other enactment or any rule of law or equity and who is applying for a restriction in order to prevent such a contravention;
- (c) any person who has an interest in a registered estate held under a trust of land where the powers of the trustees are limited by the Trustee Act 1975 and who is applying for a restriction in Form B to be entered in the register of that registered estate;
- (d) any person who has an interest in the due administration of the estate of a deceased person, where—
  - (i) the personal representatives of the deceased hold a registered estate on a trust of land created by the deceased's will and the personal representatives' powers are limited by the Trustee Act 1975; and
  - (ii) he is applying for a restriction in Form C to be entered in the register of that registered estate;
- (e) the donee of a special power of appointment in relation to registered land affected by that power;
- (f) any person with the benefit of a court order or an undertaking given in place of a court order who is applying for a restriction in Form L or M;
- (g) any person who has applied for a freezing order and who is applying for a restriction in Form N or P;
- (h) a trustee in bankruptcy who has an interest in a beneficial interest in registered land held under a trust of land, and who is applying for a restriction in Form D to be entered in the register of that land;
- (i) any person with the benefit of a charging order over a beneficial interest in registered land held under a trust of land who is applying for a restriction in Form E to be entered in the register of that land;
- (j) a receiver or a sequestrator appointed by order who applies for a restriction in Form F;
- (k) a trustee under a deed of arrangement who applies for a restriction in Form F;

- (l) a person who has obtained an order under the Proceeds of Crime Act 1997 and who is applying for a restriction in Form L or M; and
- (m) a person who has applied for an interim receiving order under the Proceeds of Crime Act 1997 and who is applying for a restriction in Form L or M.

When an application for a restriction shall be made

96 (1) An owner of a registered estate shall apply for a restriction in Form A where—

- (a) the estate becomes subject to a trust of land, other than on a registrable disposition, and the owner or the survivor of joint owners will not be able to give a valid receipt for capital money; or
- (b) the estate is held on a trust of land and, as a result of a change in the trusts, the owner or the survivor of joint owners will not be able to give a valid receipt for capital money.

(2) A sole or last surviving trustee of land held on a trust of land shall, when applying to register a disposition of a registered estate in his favour or to be registered as owner of an unregistered estate, at the same time apply for a restriction in Form A.

(3) Subject to paragraph (6), a personal representative of a deceased person who holds a registered estate on a trust of land created by the deceased's will, or on a trust of land arising under the laws of intestacy which is subsequently varied, shall apply for a restriction in Form C.

(4) Subject to paragraphs (6) and (7), an owner of a registered estate shall apply for a restriction in Form B where—

- (a) a declaration of trust of that estate imposes limitations on the powers of the trustees; or
- (b) a change in the trusts on which that estate is held imposes limitations or changes the limitations on the powers of the trustees.

(5) Subject to paragraphs (6) and (7), an applicant for first registration of a registrable estate held on a trust of land where the powers of the trustees are limited shall at the same time apply for a restriction in Form B.

(6) Paragraphs (3), (4) and (5) do not apply to registrable estates held on charitable, ecclesiastical or public trusts.

(7) Paragraphs (4) and (5) apply not only where the registrable estate is held by the trustees, but also where it is vested in the personal representatives of a sole or last surviving trustee.

Form of obligatory restrictions

97 The form of any restriction that the registrar is obliged to enter under any enactment shall be—

- (a) as specified in these Rules;

- (b) as required by the relevant enactment; or
- (c) in other cases, such form as the registrar may direct having regard to the provisions of the relevant enactment.

Application for an order that a restriction be disapplied or modified

98 (1) An application to the registrar for an order under section 59(2) of the Act shall be made in writing and signed by the applicant.

(2) The application shall—

- (a) state whether the application is to disapply or to modify the restriction and, if the latter, give details of the modification requested;
- (b) explain why the applicant has a sufficient interest in the restriction to make the application;
- (c) give details of the disposition or the kind of dispositions that will be affected by the order; and
- (d) state why the applicant considers that the registrar should make the order.

(3) If requested to do so, the applicant shall supply further evidence to satisfy the registrar that he should make the order.

(4) The registrar may make such enquiries and serve such notices as he thinks fit in order to determine the application.

(5) A note of the terms of any order made by the registrar under section 59(2) of the Act shall be entered in the register.

Application to cancel a restriction

99 (1) An application to cancel a restriction shall be made in Form R11.

(2) The application shall be accompanied by evidence to satisfy the registrar that the restriction is no longer required.

(3) If the registrar is satisfied that the restriction is no longer required, he shall cancel the restriction.

Application to withdraw a restriction from the register

100 (1) An application to withdraw a restriction shall be made in Form R11 and shall be accompanied by the consents required under paragraphs (2) to (5).

(2) Subject to paragraphs (3), (4) and (5) an application to withdraw a restriction may only be made by or with the consent of all persons who appear to the registrar to have an interest in the restriction.

(3) An application to withdraw a restriction that requires the consent of a specified person may only be made by or with the consent of that person.

(4) An application to withdraw a restriction that requires notice to be given to a specified person may only be made by or with the consent of that person.

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(5) An application to withdraw a restriction that requires a certificate to be given by a specified person may only be made by or with the consent of that person.

(6) No application may be made to withdraw a restriction—

- (a) that is entered under section 61(1)(a) of the Act and reflects some limitation on the registered owner's powers of disposition imposed by statute or the general law;
- (b) that is entered in the register following an application under rule 96;
- (c) that the registrar is under an obligation to enter in the register;
- (d) that reflects a limitation under an order of the court or registrar, or an undertaking given in place of such an order; or
- (e) that is entered pursuant to a court order under section 63 of the Act.

(7) The registrar may accept a certificate given by an attorney that the attorney holds any consents required.

### Cancellation of a restriction relating to a trust

101 When registering a disposition of a registered estate, the registrar shall cancel a restriction entered for the purpose of protecting an interest, right or claim arising under a trust of land if he is satisfied that the registered estate is no longer subject to that trust of land.

### Entry following a direction of the court regarding overriding priority in connection with a restriction

102 (1) Any entry in the register required under section 63(4) of the Act shall be in such form as the registrar may determine so as to ensure that the priority of the restriction ordered by the court is apparent from the register.

(2) Where the making of the entry is completed by the registrar during the priority period of an official search which was delivered before the making of the application for the entry, he shall give notice of the entry to the person who applied for the official search or, if an attorney or other agent applied on behalf of that person, to that agent, unless he is satisfied that such notice is unnecessary.

## PART 10

### CHARGES

#### How ranking of registered charges as between themselves is shown on register

103 Subject to any entry in the individual register to the contrary, for the purpose of section 70(1) of the Act the order in which registered charges are entered in an individual register shows the order in which the registered charges rank as between themselves.

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### Alteration of priority of registered charges

104 (1) An application to alter the priority of registered charges, as between themselves, shall be made by or with the consent of the owner or a person entitled to be registered as the owner of any registered charge whose priority is adversely affected by the alteration, but no such consent is required from a person who has executed the instrument which alters the priority of the charges.

(2) The registrar shall make an entry in the register in such terms as the registrar considers appropriate to give effect to the application.

### Form of charge of registered estate

105 A legal charge of a registered estate may be made in Form R7.

### Further advances—notice of creation of subsequent charge

106 (1) A notice given for the purposes of section 71(1) of the Act by one of the methods mentioned in paragraph (2) ought to have been received at the time shown in the table in paragraph (4).

(2) The methods referred to in paragraph (1) are—

- (a) by post, to the postal address, whether or not in Bermuda, entered in the register as the prior chargee's address for service;
- (b) by leaving the notice at that address;
- (c) by sending to the box number at the relevant post office entered in the register as an additional address for service of the prior chargee;
- (d) by electronic mail to the electronic mail address entered in the register as an additional address for service of the prior chargee; or
- (e) where paragraph (3) applies, by post, post office box, fax or electronic mail to the address, box number or fax number provided.

(3) This paragraph applies where the prior chargee has provided to the subsequent chargee a postal address, post office box number, fax number, e-mail or other electronic address, and stated in writing to the subsequent chargee that notices to the prior chargee under section 71(1) of the Act may be sent to that address, box number or fax number.

(4) For the purposes of section 71(2) of the Act a notice sent in accordance with paragraph (2) or (3) ought to have been received at the time shown in the table below—

| <u>Method of service</u>               | <u>Time of service</u>                   |
|----------------------------------------|------------------------------------------|
| (a) Post to an address in Bermuda      | The fifth business day after posting     |
| (b) Leaving at a postal address        | The business day after it was left       |
| (c) Post to an address outside Bermuda | The tenth business day after posting     |
| (d) Post office box                    | On the second business day after posting |
| (e) Fax                                | The business day after transmission      |
| (f) e-mail                             | The business day after transmission      |

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(5) A notice posted or transmitted after 5:00 pm on a business day or posted or transmitted on a day which is not a business day is to be treated as having been posted or transmitted on the next business day.

(6) In this rule—

“post” means pre-paid delivery by a postal service which seeks to deliver documents within Bermuda no later than the next business day in all or the majority of cases, and to deliver outside Bermuda within such a period as is reasonable in all the circumstances;

“prior chargee” means the owner of a registered charge to whom notice is being given under section 71(1) of the Act;

“subsequent chargee” means the chargee giving notice under section 71(1) of the Act.

### Obligations to make further advances

107 (1) The owner of a registered charge or a person applying to be so registered, who is under an obligation to make further advances on the security of that charge, may apply to the registrar for such obligation to be entered in the register for the purposes of section 71(3) of the Act.

(2) Except as provided in paragraph (3), the application shall be made in writing addressed to the registrar.

(3) A separate application in writing need not be made if the application is contained in the additional provisions panel of Form R7, or in a charge received for registration where the form of that charge has been approved by the registrar.

(4) The registrar shall make an entry in the register in such terms as he considers appropriate to give effect to an application under this rule.

### Agreement of maximum amount of security

108 (1) Where the parties to a legal charge which is a registered charge or which is a registrable disposition have agreed a maximum amount for which the charge is security, the owner of the registered charge or a person applying to be registered as owner of the registrable disposition may apply to the registrar for such agreement to be entered in the register under section 71(4) of the Act.

(2) The application shall be made in writing addressed to the registrar.

(3) The registrar shall make an entry in the register in such terms as he considers appropriate to give effect to an application under this rule.

### Consolidation of registered charges

109 (1) A chargee who has a right of consolidation in relation to a registered charge may apply to the registrar for an entry to be made in respect of that right in the individual register in which the charge is registered.

(2) The application shall be made in writing addressed to the registrar.

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(3) The registrar shall make an entry in the individual register in such terms as he considers appropriate to give effect to an application under this rule.

### Foreclosure—registration requirements

110 (1) Subject to paragraph (3), where a person who has obtained an order for foreclosure absolute makes an application to be entered in the register as owner of the registered estate in respect of which the charge is registered, the application shall be accompanied by the order.

(2) The registrar shall—

- (a) cancel the registration of the charge in respect of which the order was made;
- (b) cancel all entries in respect of interests over which the charge has priority; and
- (c) enter the applicant as owner of the registered estate.

(3) The registrar may accept an attorney's certificate confirming that the attorney holds the order for foreclosure absolute or an office copy of it.

### Variation of the terms of a registered charge

111 (1) An application to register an instrument varying the terms of a registered charge shall be made—

- (a) by, or with the consent of, the owner of the registered charge and the owner of the estate charged; and
- (b) with the consent of the owner, or a person entitled to be registered as owner, of every other registered charge of equal or inferior priority that is prejudicially affected by the variation, but no such consent is required from a person who has executed the instrument.

(2) The registrar may accept an attorney's certificate confirming that the attorney holds any necessary consents.

(3) If the registrar is satisfied that the owner of any other registered charge of equal or inferior priority to the varied charge that is prejudicially affected by the variation is bound by it, he shall make a note of the variation in the register.

(4) If the registrar is not so satisfied, he may make an entry in the register that an instrument which is expressed to vary the terms of the registered charge has been entered into.

### Discharges and releases of registered charges

112 (1) A discharge or release of a registered charge shall be in Form R9.

(2) A release of part of the registered estate in an individual register from a registered charge shall be in Form R9.

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(3) Any discharge or release in Form R9 shall be executed as a deed or authenticated in such other manner as the registrar may approve.

(4) Notwithstanding paragraphs (1) and (2), the registrar is entitled to accept and act upon any other proof of satisfaction of a charge that he may regard as sufficient.

(5) An application to register a discharge in Form R9 shall be made in Form A2 or A3, as appropriate.

### Transfer of a registered charge

113 A transfer of a registered charge shall be in Form R8.

## PART 11

### BOUNDARIES

#### Agreement about accretion or diluvion

114 (1) An application to register an agreement about the operation of accretion or diluvion in relation to a registered estate in land shall be made by, or be accompanied by the consent of, the owner of the registered estate and of any registered charge, except that no such consent is required from a person who is party to the agreement.

(2) On registration of such an agreement the registrar shall make a note in the property section that the agreement is registered for the purposes of section 80(2) of the Act.

## PART 12

### QUALITY OF TITLE

#### Application to upgrade title under section 81 of the Act

115 (1) An application for the registrar to upgrade title under section 81 of the Act shall be made in Form R19.

(2) An application referred to in paragraph (1) shall, except where made under section 81(2) of the Act, be accompanied by such documents as will satisfy the registrar as to the title.

- (3) An application under section 81(3) of the Act shall also be accompanied by—
- (a) such documents as will satisfy the registrar as to any superior title which is not registered;
  - (b) where any superior title is registered with provisional title, such evidence as will satisfy the registrar that that title qualifies for upgrading to absolute title; and
  - (c) evidence of any consent to the grant of the lease required from—
    - (i) any chargee of any superior title; and

(ii) any superior lessor.

(4) An application under section 81(3) of the Act shall, in addition to the documents referred to in paragraph (2), be accompanied by the documents and evidence referred to in paragraph (3)(a) to (c).

(5) An application by a person entitled to be registered as the owner of the estate to which the application relates shall be accompanied by evidence of that entitlement.

(6) An application by a person interested in a registered estate which derives from the estate to which the application relates shall be accompanied by—

- (a) details of the interest; and
- (b) where the interest is not apparent from the register, evidence to satisfy the registrar of the applicant's interest.

Use of register to record defects in title

116 (1) An entry under section 82 of the Act that a right to determine a registered estate in land is exercisable shall be made in the property section.

(2) An application for such an entry shall be supported by evidence to satisfy the registrar that the applicant has the right to determine the registered estate and that the right is exercisable.

(3) Subject to paragraph (4), the registrar shall make the entry on receipt of an application which relates to a right to determine the registered estate on non-payment of a rentcharge.

(4) Before making an entry under this rule the registrar shall give notice of the application to the owner of the registered estate to which the application relates and the owner of any registered charge on that estate.

(5) A person may apply to the registrar for removal of the entry if he is—

- (a) the person entitled to determine the registered estate;
- (b) the owner of the registered estate to which the entry relates;
- (c) a person entitled to be registered as owner of that estate; or
- (d) any other person whom the registrar is satisfied has an interest in the removal of the entry.

(6) An application for removal of the entry shall be supported by evidence to satisfy the registrar that the right to determine the registered estate is not exercisable.

PART 13

ALTERATIONS AND CORRECTIONS

Alteration under a court order—not rectification

117 (1) Subject to paragraphs (2) and (3), if in any proceedings the court decides that—

- (a) there is a mistake in the register;
- (b) the register is not up to date; or
- (c) there is an estate, right or interest excepted from the effect of registration that should be given effect to,

it shall make an order for alteration of the register under the power given by paragraph 2(1) of Schedule 6 to the Act.

(2) The court is not obliged to make an order if there are exceptional circumstances that justify not doing so.

(3) This rule does not apply to an alteration of the register that amounts to rectification.

Court order for alteration of the register—form and service

118 (1) An order for alteration of the register shall state the parcel number of the individual register affected and the alteration that is to be made, and shall direct the registrar to make the alteration.

(2) Service on the registrar of an order for alteration of the register shall be made by a person making an application for the registrar to give effect to the order, accompanied by the order.

Alteration otherwise than pursuant to a court order—notice and enquiries

119 (1) Subject to paragraph (5), this rule applies where an application for alteration of the register has been made, or where the registrar is considering altering the register without an application having been made.

(2) The registrar shall give notice of the proposed alteration to—

- (a) the registered owner of any registered estate;
- (b) the registered owner of any registered charge; and
- (c) subject to paragraph (3), any person who appears to the registrar to be entitled to an interest protected by a notice, where that estate, charge or interest would be affected by the proposed alteration, unless he is satisfied that such notice is unnecessary.

(3) The registrar is not obliged to give notice to a person referred to in paragraph (2)(c) if that person's name and his address for service under rule 168 are not set out in the individual register in which the notice is entered.

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(4) The registrar may make such enquiries as he thinks fit.

(5) This rule does not apply to alteration of the register in the specific circumstances covered by any other rule.

### Alteration otherwise than under a court order—evidence

120 Unless otherwise provided in these Rules, an application for alteration of the register (otherwise than under a court order) shall be supported by evidence to justify the alteration.

### Correction of mistakes in an application or accompanying document

121 (1) This rule applies to any alteration made by the registrar for the purpose of correcting a mistake in any application or accompanying document.

(2) The alteration shall have effect as if made by the applicant or other interested party or parties—

- (a) in the case of a mistake of a clerical or like nature, in all circumstances;
- (b) in the case of any other mistake, only if the applicant and every other interested party has requested, or consented to, the alteration.

## PART 14 INFORMATION ETC.

### Definitions

122 In this Part—

“edited information document” means, where the registrar has designated a document an exempt information document, the edited copy of that document excluding the prejudicial information;

“exempt information document” means the original and copies of a document so designated under rule 126(2);

“prejudicial information” means—

- (a) information that relates to an individual who is the applicant under rule 126 and if disclosed to other persons (whether to the public generally or specific persons) would, or would be likely to, cause substantial unwarranted damage or substantial unwarranted distress to the applicant or another; or
- (b) information that if disclosed to other persons (whether to the public generally or specific persons) would, or would be likely to, prejudice the commercial interests of the applicant under rule 126;

“priority period” means, where the application for an official search is entered on the work queue in accordance with rule 12, the period beginning at the time when that application is taken to have been entered on the work queue in

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accordance with rule 15 and ending at midnight marking the end of the fiftieth calendar day thereafter;

“protectable disposition” means a registrable disposition (including one by virtue of rule 39) of a registered estate or registered charge made for valuable consideration;

“purchaser” means a person who has entered into or intends to enter into a protectable disposition as donee;

“search from date” means the date stated on an official copy of the individual register as the date on which the entries shown on that official copy were subsisting.

### Inspection and copying

123 (1) This rule applies to the right to inspect and make copies of the registers and documents under section 84(1) of the Act.

(2) There is excepted from the right referred to in paragraph (1)—

- (a) any exempt information document;
- (b) any edited information document which has been replaced by another edited information document;
- (c) any letters, applications and forms sent to the registrar as part of, or in connection with, an application under rule 126; and
- (d) any document or copy of any document prepared by the registrar in connection with an application made under rule 126.

(3) Where inspection or copying under this rule takes place at the LTRO it shall be undertaken in the presence of a member of staff of the LTRO.

### Application for official copies of an individual register or individual caution register

124 (1) A person may apply for—

- (a) an official copy of an individual register;
- (b) an official copy of an individual caution register; and
- (c) an official copy of an individual judgment register.

(2) A separate application shall be made in respect of each individual register, individual caution register or individual judgment register.

(3) Where, notwithstanding paragraph (2), an application is in respect of more than one individual register or individual caution register, but the applicant fails to provide a parcel number, or the parcel number provided does not relate to any part of the property in respect of which the application is made, the registrar may—

- (a) deal with the application as if it referred only to one of the parcel numbers relating to the property;

- (b) deal with the application as if it referred to all of the parcel numbers relating to the property; or
- (c) cancel the application.

(4) Where the registrar deals with the application under paragraph (3)(b), the applicant is to be treated as having made a separate application in respect of each of the individual registers or each of the individual caution registers.

(5) An official copy of an individual caution register and any plan referred to in it shall be issued disregarding any application or matter that may affect the subsistence of the caution.

Application for official copies of documents referred to in the land title register and other documents kept by the registrar

125 (1) Subject to paragraph (2), a person may apply for an official copy of—

- (a) any document referred to in the land title register and kept by the registrar;
- (b) any other document kept by the registrar that relates to an application to him.

(2) There is excepted from paragraph (1)—

- (a) any exempt information document;
- (b) any edited information document which has been replaced by another edited information document;
- (c) any letters, applications and forms sent to the registrar as part of or in connection with an application under rule 126; and
- (d) any document or copy of any document prepared by the registrar in connection with an application made under rule 126.

(3) Where inspection or copying under this rule takes place at the LTRO it shall be undertaken in the presence of a member of staff of the LTRO.

Application that the registrar designate a document an exempt information document

126 (1) A person may apply for the registrar to designate a relevant document an exempt information document if he claims that the document contains prejudicial information.

(2) Subject to paragraph (3), provided that the registrar is satisfied that the applicant's claim is not groundless he shall designate the relevant document an exempt information document.

(3) Where the registrar considers that designating the document an exempt information document could prejudice the keeping of the register, he may cancel the application.

(4) Where a document is an exempt information document, the registrar may make an appropriate entry in the individual register of any affected individual register.

(5) Where a document is an exempt information document and a further application is made under paragraph (1) which would, but for the existing designation, have resulted in its being so designated, the registrar shall prepare another edited information document which excludes—

- (a) the information excluded from the existing edited information document; and
- (b) any further information excluded from the edited information document lodged by the applicant.

(6) In this rule a “relevant document” is a document—

- (a) referred to in the land title register, or one that relates to an application to the registrar, the original or a copy of which is kept by the registrar; or
- (b) that will be referred to in the land title register as a result of an application (the “accompanying application”) made at the same time as an application under this rule, or that relates to the accompanying application, the original or a copy of which will be or is for the time being kept by the registrar.

#### Application for an official copy of an exempt information document

127 (1) A person may apply for an official copy of an exempt information document.

(2) The registrar shall give notice of an application under paragraph (1) to the person who made the relevant application under rule 126(1) unless he is satisfied that such notice is unnecessary or impracticable.

(3) If the registrar decides that—

- (a) none of the information excluded from the edited information document is prejudicial information; or
- (b) although all or some of the information excluded is prejudicial information, the public interest in providing an official copy of the exempt information document to the applicant outweighs the public interest in not doing so,

then the registrar shall provide an official copy of the exempt information document to the applicant.

(4) Where the registrar has decided an application under paragraph (1) on the basis that none of the information is prejudicial information, he shall remove the designation of the document as an exempt information document and any entry made in respect of the document under rule 126(5).

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Application for removal of the designation of a document as an exempt information document

128 (1) Where a document is an exempt information document, the person who applied for designation under rule 126(1) may apply for the designation to be removed.

(2) Subject to paragraph (3), where the registrar is satisfied that the application is in order, he shall remove the designation of the document as an exempt information document and remove any entry made in respect of the document under rule 126(4).

(3) Where—

- (a) the document has been made an exempt information document under more than one application;
- (b) an application under paragraph (1) is made by fewer than all of the applicants under rule 126(1); and
- (c) the registrar is satisfied that the application is in order,

the registrar shall replace the existing edited information document with one that excludes only the information excluded both from that edited information document and the edited information documents lodged under rule 126 by those applicants not applying under paragraph (1).

Application in connection with court proceedings, insolvency and tax liability

129 (1) In this rule, a qualifying applicant is a person who is given authority by an order of the court and who is able to produce evidence of such authority to the registrar.

(2) A qualifying applicant may apply—

- (a) to inspect or make copies of any document (including a form) referred to in rule 123(2);
- (b) for official copies of any document (including a form) referred to in rule 125(2); and
- (c) for a search in the index of owners' names in respect of the name of a person specified in the application.

(3) A qualifying applicant who applies—

- (a) under section 84 of the Act, to inspect and make copies of registers and documents that are not referred to in rule 123(2);
- (b) under rule 125, for official copies of registers and plans under rule 123(1) and of documents that are not referred to in rule 123(2);
- (c) under rule 131, for an historical edition of an individual register; or
- (d) under rule 132, for an official search of the Land Title Registry Index Map,

shall use the appropriate form or forms (S1, S2, S3, S4 or CIT).

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### Work queue information

130 (1) In this rule “work queue information” means information kept by the registrar under rule 12.

(2) An application for work queue information shall be made to the registrar in Form S3 and, subject to paragraph (4), the registrar shall provide the work queue information to the applicant.

(3) Unless otherwise stated by the registrar, the work queue information provided shall be based on the entries subsisting in the work queue immediately before the information is provided.

(4) The registrar is not required to disclose under this rule details of an application under rule 126.

### Application for an historical edition of an individual register kept by the registrar in electronic form

131 (1) A person may apply for a copy of—

- (a) the last edition for a specified day; or
- (b) every edition for a specified day,

of an individual register, and of an individual register that has been closed, kept by the registrar in electronic form.

(2) If an application under paragraph (1) is in order and the registrar is keeping in electronic form an edition of the individual register for the day specified in the application, he shall issue—

- (a) if the application is under paragraph (1)(a), a paper copy of the edition of the individual register at the end of that day; or
- (b) if the application is under paragraph (1)(b), a paper copy of the edition of the individual register at the end of that day and any prior edition kept in electronic form of the individual register for that day.

(3) Where only part of the edition of the individual register requested is kept by the registrar in electronic form he shall issue a paper copy of that part.

### Searches of the Land Title Registry Index Map

132 (1) Any person may apply for an official search of the Land Title Registry Index Map (the LTRIM).

(2) An application under paragraph (1) shall be made in Form S2.

(3) If the registrar so requires, an applicant shall provide a plan clearly showing to the satisfaction of the registrar the land to which the application relates.

### Information included in results of official search

133 Schedule C (which lists the information that is to be included in the results of official searches) has effect.

Application for official search with priority by purchaser

134 (1) A purchaser may apply for an official search with priority of the individual register relating to the property to which the protectable disposition relates.

(2) Where there is a pending application for first registration, the purchaser of a protectable disposition which relates to that pending application may apply for an official search with priority in relation to that pending application.

(3) Where the application is made in Form R32 and an accompanying plan is required, unless the registrar allows otherwise, the plan shall be delivered in duplicate.

Entry on work queue of application for official search with priority

135 (1) An application for an official search with priority is to be taken as having been made on the date and at the time of the day notice of it is entered on the work queue in accordance with rule 15.

(2) Paragraph (3) has effect where—

- (a) an application for an official search is in order; and
- (b) the applicant has not withdrawn the official search.

(3) Subject to paragraph (4), the entry on the work queue of notice of an application for an official search with priority confers a priority period on an application for an entry in the register in respect of the protectable disposition to which the official search relates.

(4) Paragraph (3) does not apply if the application for an official search with priority is cancelled subsequently because it is not in order.

Issue of official search certificate with priority

136 (1) If an application for an official search with priority is in order, an official search certificate with priority shall be issued giving the result of the search as at the date and time that the application was entered on the work queue.

(2) An official search certificate with priority relating to a registered estate or to a pending application for first registration may, at the registrar's discretion, be issued in one or both of the following ways—

- (a) a certificate in paper form;
- (b) in the form of a copy of the register of the parcel affected by the search.

Withdrawal of official search with priority

137 (1) Subject to paragraph (2), a person who has made an application for an official search with priority of an individual register or in relation to a pending first registration application, may withdraw that official search by application to the registrar.

(2) An application under paragraph (1) cannot be made if an application for an entry in the register in respect of the protectable disposition made pursuant to the official search has been made and completed.

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(3) Once an official search has been withdrawn under paragraph (1), rule 135(3) shall cease to apply in relation to it.

### Protection of an application on which a protected application is dependent

138 (1) Subject to paragraph (4), paragraph (2) has effect where an application for an entry in the register is one on which an official search certificate confers a priority period and there is a prior registrable disposition affecting the same registered land, on which that application is dependent.

(2) An application for an entry in the register in relation to that prior registrable disposition is for the purpose of section 88(1)(a) of the Act an application to which a priority period relates.

(3) The priority period referred to in paragraph (2) is a period expiring at the same time as the priority period conferred by the official search referred to in paragraph (1).

(4) Paragraph (2) does not have effect unless both the application referred to in paragraph (1) and the application referred to in paragraph (2) are—

- (a) made before the end of that priority period; and
- (b) in due course completed by registration.

### Protection of an application relating to a pending application for first registration on which a protected application is dependent

139 (1) Subject to paragraphs (4) and (5), paragraph (2) has effect where—

- (a) there is a pending application for first registration;
- (b) there is a pending application for an entry in the register on which an official search confers a priority period;
- (c) there is an application for registration of a prior registrable disposition affecting the same estate or charge as the pending application referred to in subparagraph (b);
- (d) the pending application referred to in subparagraph (b) is dependent on the application referred to in subparagraph (c); and
- (e) the application referred to in subparagraph (c) is subject to the pending application for first registration referred to in subparagraph (a).

(2) An application for an entry in the register in relation to the prior registrable disposition referred to in paragraph (1)(c) is for the purpose of section 88(1)(a) of the Act an application to which a priority period relates.

(3) The priority period referred to in paragraph (2) is a period expiring at the same time as the priority period conferred by the official search referred to in paragraph (1)(b).

(4) Paragraph (2) does not have effect unless the pending application for first registration referred to in paragraph (1)(a) is in due course completed by registration of all or any part of the estate.

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(5) Paragraph (2) does not have effect unless both the pending application on which an official search confers priority referred to in paragraph (1)(b) and the application relating to the prior registrable disposition referred to in paragraph (1)(c) are—

- (a) made before the end of that priority period; and
- (b) in due course completed by registration.

Priority of concurrent applications for official searches with priority and concurrent official search entries with priority

140 (1) Where two or more official search entries with priority relating to the same estate or charge or to the same registered land have been registered and are in operation, the entries take effect, as far as relates to the priority conferred, in the order of the times at which the applications for official search with priority were entered on the work queue, unless the applicants agree otherwise.

(2) Where one transaction is dependent upon another the registrar shall assume (unless the contrary appears) that the applicants for official search with priority have agreed that their applications have priority so as to give effect to the sequence of the documents effecting the transactions.

Applications lodged at the same time as the priority period expires

141 (1) Where an official search with priority has been made in respect of an individual register and an application relating to that individual register is taken as having been made at the same time as the expiry of the priority period relating to that search, the time of the making of that application is to be taken as within that priority period.

(2) Where an official search with priority has been made in respect of a pending application for first registration and a subsequent application relating to an estate which is subject to that pending application for first registration, or was so subject before completion of the registration of that estate, is taken as having been made at the same time as the expiry of the priority period relating to that search, the time of the making of that subsequent application is to be taken as within that priority period.

## PART 15

### MISCELLANEOUS AND SPECIAL CASES

Applications to register dispositions by operation of law which are registrable dispositions

142 (1) Subject to paragraph (2) an application to register by operation of law a disposition which is a registrable disposition shall be accompanied by sufficient evidence of the disposition.

(2) Where a vesting order has been made, it shall accompany the application.

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### Transfer by a personal representative

143 (1) An application to register a transfer by a personal representative, who is not already registered as owner, shall be accompanied by the original grant of probate or letters of administration showing him as the personal representative.

(2) The registrar shall not be under a duty to investigate the reasons a transfer of registered land by a personal representative of a deceased sole owner or last surviving joint owner is made nor to consider the contents of the will and, provided the terms of any restriction on the register are complied with, he may assume, whether he knows of the terms of the will or not, that the personal representative is acting correctly and within his powers.

### Registration of a personal representative

144 (1) An application by a personal representative to become registered as owner of a registered estate or registered charge—

- (a) in place of a deceased sole owner or the last surviving joint owner;
- (b) jointly with another personal representative who is already so registered;  
or
- (c) in place of another personal representative who is already registered as owner,

shall be accompanied by the evidence specified in paragraph (2).

(2) Subject to paragraph (3), the evidence that shall accompany an application under paragraph (1) is—

- (a) the original grant of probate or letters of administration of the deceased owner showing the applicant as his personal representative;
- (b) a court order appointing the applicant as the deceased's personal representative; or
- (c) where an attorney is acting for the applicant, a certificate given by the attorney that he holds the original or an office copy of such grant of probate, letters of administration or court order.

(3) An application under paragraph (1)(c) shall be accompanied by evidence to satisfy the registrar that the appointment of the personal representative whom the applicant is replacing has been terminated.

(4) When registering a personal representative of a deceased owner, the registrar shall add the following after the personal representative's name—

“executor or executrix (or administrator or administratrix) of [name] deceased”.

(5) Before registering another personal representative as a result of an application made under paragraph (1)(b) the registrar shall serve notice upon the personal representative who is registered as owner.

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### Death of joint owner

145 An application for alteration of the register by the removal from the register of the name of a deceased joint owner of a registered estate or registered charge shall be accompanied by evidence of his death.

### Bankruptcy notice

146 (1) The bankruptcy notice in relation to a registered estate shall be entered in the proprietorship section and the bankruptcy notice in relation to a registered charge shall be entered in the incumbrances section in the following form—

“BANKRUPTCY NOTICE entered under section 105(3) of the Land Title Registration Act 2011 in respect of a pending action, as the title of [the owner of the registered estate] or [the owner, referred to above, of the charge dated ... ..] appears to be affected by a petition in bankruptcy against [name of debtor], presented in the Supreme Court (Court Reference Number ... ..)”.

(2) The registrar shall give notice of the entry of a bankruptcy notice to the owner of the registered estate or registered charge to which it relates.

(3) In this rule, “bankruptcy notice” means the notice which the registrar shall enter in the register under section 105(3) of the Act.

### Bankruptcy restriction

147 (1) The bankruptcy restriction in relation to a registered estate shall be entered in the proprietorship section and the bankruptcy restriction in relation to a registered charge shall be entered in the incumbrances section in the following form—

“BANKRUPTCY RESTRICTION entered under section 105(6) of the Land Title Registration Act 2011, as the title of [the owner of the registered estate] or [the owner, referred to above, of the charge dated ... ..] appears to be affected by a bankruptcy order made by the Supreme Court (Court Reference Number ... ..) against [name of debtor]. [No disposition of the registered estate] or [No disposition of the charge] is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as owner of the [registered estate] or [charge]”.

(2) The registrar shall give notice of the entry of a bankruptcy restriction to the owner of the registered estate or registered charge to which it relates.

(3) In this rule, “bankruptcy restriction” means the restriction which the registrar shall enter in the register under section 105(6) of the Act.

### Action of the registrar in relation to bankruptcy entries

148 (1) Where the registrar is satisfied that—

- (a) the bankruptcy order has been annulled;
- (b) the bankruptcy petition has been dismissed or withdrawn with the court’s permission; or

- (c) the bankruptcy proceedings do not affect or have ceased to affect the registered estate or registered charge in relation to which a bankruptcy notice or bankruptcy restriction has been entered on the register,

he shall as soon as practicable cancel any bankruptcy notice or bankruptcy restriction in the register which relates to that bankruptcy order, to that bankruptcy petition or to those proceedings.

(2) Where it appears to the registrar that there is doubt as to whether the debtor or bankrupt is the same person as the owner of the registered estate or registered charge in relation to which a bankruptcy notice or bankruptcy restriction has been entered, he shall as soon as practicable take such action as he considers necessary to resolve the doubt.

(3) In this rule—

“bankruptcy notice” means the notice which the registrar shall enter in the register under section 105(3) of the Act; and

“bankruptcy restriction” means the restriction which the registrar shall enter in the register under section 105(6) of the Act.

#### Registration of trustee in bankruptcy

149 (1) Where the owner has had a bankruptcy order made against him, the application shall be supported by, as appropriate—

- (a) the bankruptcy order relating to the bankrupt;
  - (b) a certificate signed by the trustee that the registered estate or registered charge is comprised in the bankrupt's estate or deceased's estate; and
  - (c) where the official receiver is the trustee, a certificate by him to that effect, and, where the trustee is another person, the evidence referred to in paragraph (2).
- (2) The evidence referred to in paragraph (1)(c) is—
- (a) his certificate of appointment as trustee by the meeting of the bankrupt's or deceased debtor's creditors; or
  - (b) the order of the court appointing him trustee.

#### Trustee in bankruptcy vacating office

150 Where—

- (a) a trustee in bankruptcy, who has been registered as owner, vacates his office;
- (b) the official receiver or some other person has been appointed the trustee of the relevant bankrupt's estate; and
- (c) the official receiver or that person applies to be registered as owner in place of the former trustee,

the application referred to in subparagraph (c) shall be supported by the evidence required by rule 149(1)(c).

Description of trustee in register

151 Where the official receiver or another trustee in bankruptcy is registered as owner, the words “the Trustee of the property of [name of the bankrupt] a bankrupt” shall be added to the register, as appropriate.

Benefit of pending land actions, writs and orders

152 (1) For the purposes of section 52(1) of the Act, a relevant person shall be treated as having the benefit of the pending land action, writ or order, as appropriate.

(2) In determining whether a person has a sufficient interest in the making of an entry of a restriction under section 61(1)(c) of the Act, a relevant person shall be treated as having the benefit of the pending land action, writ or order, as appropriate.

(3) In this rule, “a relevant person” means a person (or his assignee or chargee, if appropriate) who is taking any action or proceedings which are within section 106(1)(a) of the Act, or who has obtained a writ or order within section 106(1)(b) of the Act.

Escheat etc

153 (1) Where a registered freehold estate in land has determined, the registrar may enter a note of that fact in the property section and in the property section of any inferior affected individual register.

(2) Where the registrar considers that there is doubt as to whether a registered freehold estate in land has determined, the entry under paragraph (1) shall be modified by a statement to that effect.

Entry of incumbent on a transfer to an ecclesiastical corporation

154 (1) Where by virtue of any Act a transfer to an ecclesiastical corporation has the effect, subject only to being completed by registration, of vesting any registered land either immediately or at a subsequent time in an incumbent or any other ecclesiastical corporation sole, the registrar shall register the incumbent or such other ecclesiastical corporation as owner upon receipt of—

- (a) an application;
- (b) the transfer to the ecclesiastical corporation; and
- (c) a certificate by the Synod that the terms of section 12(2) of the Church of England in Bermuda Act 1975 have been adhered to.

(2) The certificate in paragraph 1(c) may be given either in the transfer or in a separate document.

(3) In this rule, “ecclesiastical corporation” and “Synod” have the same meaning as in the Church of England in Bermuda Act 1975.

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### Entry of ecclesiastical corporation etc as owner

155 (1) When any registered land is transferred to or (subject only to completion by registration) vested in any ecclesiastical corporation, aggregate or sole, or any other person by—

- (a) an instrument taking effect on publication in the Gazette made pursuant to any Act relating to or administered by the ecclesiastical corporation; or
- (b) any transfer authorised by any such Act,

the registrar shall, on application, register such ecclesiastical corporation or such other person as owner.

(2) The application shall be accompanied by—

- (a) a certificate by the Synod that the terms of section 12(2) of the Church of England in Bermuda Act 1975 have been adhered to; and
- (b) either—
  - (i) a copy of the Gazette publishing the instrument; or
  - (ii) the transfer (if any).

(3) The certificate in paragraph 2(a) may be given either in the transfer or in a separate document.

(4) In this rule, “ecclesiastical corporation” and “Synod” have the same meaning as in the Church of England in Bermuda Act 1975.

### Application for registration by companies, limited liability companies and limited partnerships

156 (1) Where a company registered in Bermuda under the Companies Act 1981 applies to be registered as owner of a registered estate or of a registered charge, the application shall state the company’s registered number.

(2) If the company is a registered housing association within the meaning of section 26 of the Bermuda Housing Act 1980, the application shall also contain or be accompanied by a certificate to that effect.

(3) If the company is a registered housing association within the meaning of the Bermuda Housing Act 1980, the application to be registered as owner of a registered estate or registered charge shall be accompanied by an application in Form R10 for a restriction in Form R.

(4) Where a limited partnership incorporated under the Limited Partnership Act 1883 applies to be registered as owner of a registered estate or of a registered charge, the application shall state the limited partnership’s registered number.

(5) Where a limited liability company formed under the Limited Liability Company Act 2016 applies to be registered as owner of a registered estate or of a registered charge, the application shall state the limited liability company’s registered number.

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### Application for registration of trustees by charitable, ecclesiastical or public trust

157 Where a corporation or body of trustees holding on charitable, ecclesiastical or public trusts applies to be registered as owner of a registered estate or registered charge, the application shall be accompanied by the document creating the trust.

### Application for registration by other corporations

158 (1) Where a corporation aggregate, to which rules 156 and 157 do not apply, makes an application to be registered as owner of a registered estate or registered charge the application shall also be accompanied by evidence of the extent of its powers to hold and sell, mortgage, lease and otherwise deal with land and, in the case of a charge, to lend money on mortgage.

(2) The evidence shall include the charter, statute, rules, memorandum and articles of association or other documents constituting the corporation, together with such further evidence as the registrar may require.

### Winding up of a company

159 (1) Paragraph (2) applies where a company or limited liability company which is the registered owner of a registered estate or registered charge is the subject of a winding up order made under the Companies Act 1981 or the Limited Liability Company Act 2016.

(2) Upon the application of the company's administrator, supported by the order, the registrar shall make an entry in the individual register of the relevant individual register as to the making of the order and the appointment of the administrator.

(3) Paragraphs (4) and (5) apply where a company which is the registered owner of a registered estate or registered charge is in liquidation.

(4) Upon the application of the company's administrator, the registrar shall make an entry in the individual register of the relevant individual register as to the appointment of the administrator.

(5) The application under paragraph (4) shall be supported by the order, appointment by the Minister of Finance or resolution under which the administrator was appointed and such other evidence as the registrar may require.

(6) Reference in this rule to an administrator includes the official receiver, liquidator or other person appointed to deal with the company's assets.

### Note of dissolution of a corporation

160 Where a corporation shown in an individual register as the owner of the registered estate or of a registered charge has been dissolved, the registrar may enter a note of that fact in the proprietorship section or in the incumbrances section, as appropriate.

### Applications for registration by an adverse possessor—procedure

161 (1) An application for registration by an adverse possessor under section 108 of the Act shall be in writing and be accompanied by—

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- (a) an affidavit made by the applicant not more than one month before the application is taken to have been made, together with any supporting affidavits, to provide evidence of adverse possession of the registered estate in land or rentcharge against which the application is made for a period which if it were to continue from the date of the applicant's affidavit to the date of the application would be extinguished under section 18 of the Limitation Act 1984 before the land was first registered; and
  - (b) any additional evidence which the applicant considers necessary to support the claim.
- (2) The affidavit by an applicant in support of an application under section 108 of the Act shall also—
  - (a) exhibit a plan enabling the extent of the land to be identified on the Land Title Registry Index Map;
  - (b) contain confirmation that to the best of his knowledge the estate is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession);
  - (c) contain confirmation that to the best of his knowledge the restriction on applications in section 108(4) of the Act does not apply;
  - (d) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession); and
  - (e) contain confirmation that section 108(6)(b) of the Act does not apply.

### Registrar to serve notice

162 Upon receipt of an application for registration of an adverse possessor, the registrar shall serve notice on the registered owner (or owners) and any other person the registrar deems necessary, and shall give sufficient notice period for the registered owner (or owners) and any other person to object or consent to the registration.

### Time limit for reply to a notice of application under rule 162

163 The period for the purpose of rule 162 is the period ending at 12 noon three calendar months after the date of issue of the notice.

### Notice under rule 162

164 An objection to the registrar under rule 162 from a person given a registrar's notice shall be given to the registrar in the manner and at the address stated in the registrar's notice.

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### Tenants in common

165 (1) For the purposes of section 22(3) of the Act, only tenants in common who have entered into a fractional ownership agreement subject to a right of pre-emption may apply to be registered under section 21 of the Act in relation to his or their undivided share.

(2) Where an application is made by a person or persons under paragraph (1), the registrar shall create a separate register in respect of that undivided share.

(3) The registrar may require the production of such evidence as he deems necessary regarding the existence of a fractional ownership agreement and the applicant's participation therein.

(4) Where two or more owners hold the same registered estate as joint tenants, voluntary severance may only be effected by notice of severance in writing to the other joint tenant (or tenants).

(5) Where notice described in paragraph (4) has been served, the joint tenant serving notice shall apply to the registrar to note the severance on the register.

(6) An application lodged under paragraph (5) shall be in form R26.

### Payment of interest on an indemnity

166 (1) Subject to paragraph (4), interest is payable on the amount of any indemnity paid under Schedule 1 to the Act for the period specified in paragraph (2) at the rate specified in paragraph (3).

(2) Interest is payable—

- (a) where paragraph 1(1)(a) of Schedule 1 to the Act applies, from the date of the rectification to the date of payment;
- (b) where any other subparagraph of paragraph 1(1) of Schedule 1 to the Act applies, from the date the loss is suffered by reason of the relevant mistake, loss, destruction or failure to the date of payment, but excluding any period or periods where the registrar or the court is satisfied that the claimant has not taken reasonable steps to pursue with due diligence the claim for indemnity or, where relevant, the application for rectification.

(3) Interest is payable at the rate payable under section 3 of the Interest and Credit Charges (Regulation) Act 1975.

(4) Interest is payable in respect of an indemnity on account of costs or expenses within paragraph 3 of Schedule 1 to the Act from the date when the claimant pays them to the date of payment.

(5) A reference in this rule to a period from a date to the date of payment excludes the former date but includes the latter date.

PART 16  
GENERAL PROVISIONS

Content of notice

167 (1) Every notice given by the registrar shall—

- (a) fix the time within which the recipient is to take any action required by the notice;
- (b) state what the consequence will be of a failure to take such action as is required by the notice within the time fixed; and
- (c) state the manner in which any reply to the notice shall be given and the address to which it shall be sent.

(2) Except where otherwise provided by these Rules, the time fixed by the notice shall be the period ending at 12 noon one calendar month after the date of issue of the notice.

Address for service of notice

168 (1) A person who is (or will as a result of an application be) a person mentioned in paragraph (2) shall give the registrar an address for service to which all notices and other communications to him by the registrar may be sent, as provided by paragraph (3).

(2) The persons referred to in paragraph (1) are—

- (a) the registered owner of a registered estate or registered charge;
- (b) the registered beneficiary of a unilateral notice;
- (c) a cautioner named in an individual caution register;
- (d) a person whose name and address is required to be included in a standard restriction set out in Schedule B or whose consent or certificate is required, or upon whom notice is required to be served by the registrar or another person, under any other restriction;
- (e) a person who objects to an application under section 92 of the Act;
- (f) any person who, while dealing with the registrar in connection with registered land or a caution against first registration, is requested by the registrar to give an address for service;
- (g) a debtor referred to in rule 56(4).

(3) A person referred to in paragraph (1) shall give the registrar an address for service which is a postal address, whether or not in Bermuda.

(4) A person referred to in paragraph (1) may give the registrar one or two additional addresses for service, provided that he may not have more than three addresses for service, and the address or addresses shall be—

- (a) a box number at a Bermuda post office;

- (b) a postal address, other than a box number at a Bermuda post office, whether or not in Bermuda; or
  - (c) subject to paragraph (7), an electronic address.
- (5) Subject to paragraphs (3) and (4) a person referred to in paragraph (1) may give the registrar a replacement address for service.
- (6) In this rule an electronic address means—
- (a) a registered e-mail address; or
  - (b) any other form of electronic address specified in a direction under paragraph (7).
- (7) If the registrar is satisfied that a form of electronic address, other than an e-mail address, is a suitable form of address for service he may issue a direction to the applicant to that effect.
- (8) A direction under paragraph (7) may contain such conditions or limitations or both as the registrar considers appropriate.

Service of notice

- 169 (1) All notices which the registrar is required to give may be served—
- (a) by post, to any postal address in Bermuda entered in the register as an address for service;
  - (b) by post, to any postal address outside Bermuda entered in the register as an address for service;
  - (c) by leaving the notice at any postal address in Bermuda entered in the register as an address for service;
  - (d) by directing the notice to the relevant box number at any post office in Bermuda entered in the register as an address for service;
  - (e) by electronic transmission to the electronic address entered in the register as an address for service; or
  - (f) subject to paragraph (2), by fax, and
- where the registrar thinks it expedient, in addition to such service, by any of the methods of service given in subparagraphs (a), (b), (c) and (d) to any other address where the registrar believes the addressee is likely to receive it.
- (2) The notice may be served by fax if the recipient has informed the registrar in writing—
- (a) that the recipient is willing to accept service of the notice by fax; and
  - (b) of the fax number to which it should be sent.
- (3) Service of a notice which is served in accordance with this rule shall be regarded as having taken place at the time shown in the table below—

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| <u>Method of service</u>                                         | <u>Time of service</u>                   |
|------------------------------------------------------------------|------------------------------------------|
| (a) Post to an address, other than a post office box, in Bermuda | The fifth business day after posting     |
| (b) Leaving at a postal address                                  | The business day after it was left       |
| (c) Post to an address outside Bermuda                           | The tenth business day after posting     |
| (d) Post to a post office box in Bermuda                         | On the second business day after posting |
| (e) Fax                                                          | The business day after transmission      |
| (f) e-mail                                                       | The business day after transmission      |

(4) In this rule “post” means pre-paid delivery by a postal service which seeks to deliver documents within Bermuda no later than the next business day in all or the majority of cases, and to deliver outside Bermuda within such a period as is reasonable in all the circumstances.

### Use of specialist assistance by the registrar

170 (1) The registrar may refer to an appropriate specialist—

- (a) the examination of the whole or part of any title lodged with an application for registration; or
- (b) any question or other matter which arises in the course of any proceedings before the registrar and which, in his opinion, requires the advice of an appropriate specialist.

(2) The registrar may act upon the advice or opinion of an appropriate specialist to whom he has referred a matter under paragraph (1).

(3) In this rule, “appropriate specialist” means a person who the registrar considers has the appropriate knowledge, experience and expertise to advise on the matter referred to him.

### Production of documents

171 (1) The registrar may only exercise the power conferred on him by section 94(3)(b) of the Act to require a person to produce documents if he receives from a person who is a party to proceedings before him a request that he should require a document holder to produce a document for the purpose of those proceedings.

(2) The request shall be made in writing and delivered to the LTRO.

(3) The registrar shall give notice of the request to the document holder.

(4) The address for the document holder provided in writing to be delivered to the LTRO is to be regarded for the purpose of rule 169 as an address for service given under rule 168(2)(f).

(5) The notice shall give the document holder a period ending at 12 noon one calendar month after the issue of the notice, or such other period as the registrar thinks

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appropriate, to deliver a written response to the registrar by the method and to the address stated in the notice.

(6) The response shall—

- (a) state whether or not the document holder opposes the request;
- (b) if he does, state in full the grounds for that opposition;
- (c) give an address to which communications may be sent; and
- (d) be signed by the document holder or his attorney.

(7) The registrar shall determine the matter on the basis of the request and any response submitted to it and, subject to paragraph (8), it may require the document holder to produce the document for the purpose of the proceedings by sending a notice to that effect in writing to the document holder if it is satisfied that—

- (a) the document is in the control of the document holder;
- (b) the document may be relevant to the proceedings; and
- (c) disclosure of the document is necessary in order to dispose fairly of the proceedings or to save costs,

and it is not aware of any valid ground entitling the document holder to withhold the document.

(8) The registrar may, as a condition of making the requirement, provide that the person who has made the request should pay the reasonable costs incurred in complying with the requirement by the document holder.

(9) In this rule, “document holder” means the person who is alleged to have control of a document which is the subject of a request under paragraph (1).

### Costs

172 (1) A person who has incurred costs in relation to proceedings before the registrar may request the registrar to make an order requiring a party to those proceedings to pay the whole or part of those costs.

(2) The registrar may only order a party to proceedings before the registrar to pay costs where those costs have been occasioned by the unreasonable conduct of that party in relation to the proceedings.

(3) A request for the payment of costs shall be made by delivering to the registrar a written statement in paper form by 12 noon one calendar month after the registrar gives notice of its decision in the proceedings to the person referred to in paragraph (1).

(4) The statement shall—

- (a) identify the party against whom the order is sought and include an address where notice may be served on that party;
- (b) state in full the grounds for the request;

- (c) give an address to which communications may be sent; and
- (d) be signed by the person making the request or his attorney.

(5) The registrar shall give notice of the request for the payment of costs to the party against whom the order is sought at the address provided under paragraph (4)(a) and if that party has an address for service in an individual register that relates to the proceedings, at that address.

(6) An address for a party provided under paragraph (4)(a) is to be regarded for the purpose of rule 169 as if it were an address for service given under rule 168(2)(f); and those rules are to be read as if references to the registrar were references to the registrar.

(7) The notice shall give the recipient a period ending at 12 noon one calendar month after the issue of the notice, or such other period as the registrar thinks appropriate, to deliver a written response to the registrar by the method and to the address stated in the notice.

(8) The response shall—

- (a) state whether or not the recipient opposes the request;
- (b) if he does, state in full the grounds for that opposition;
- (c) give an address to which communications may be sent; and
- (d) be signed by the recipient or his attorney.

(9) The registrar shall determine the matter on the basis of—

- (a) the written request and any response submitted to him;
- (b) all the circumstances including the conduct of the parties; and
- (c) the result of any enquiries he considers it necessary to make.

(10) The registrar shall send to all parties his written reasons for any order he makes under paragraph (1).

(11) An order under paragraph (1)—

- (a) may require a party against whom it is made to pay to the requesting party the whole or such part as the registrar thinks fit of the costs incurred in the proceedings by the requesting party; and
- (b) may specify the sum to be paid or require the costs to be assessed by the court (if not otherwise agreed), and specify the basis of the assessment to be used by the court.

#### Retention of documents on completion of an application

173 (1) The registrar shall retain documents lodged for registration until such time as the application for registration has been completed.

(2) All documents lodged for registration shall be returned to the applicant on completion of registration.

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### Scanning of documents lodged for registration

174 The registrar may scan and keep an electronic copy of any documents lodged for registration.

### Release of electronically scanned copies of documents kept by the registrar

175 The registrar may release copies of any scanned documents referred to in rule 174 upon such terms, if any, as he considers appropriate.

### Use of forms

176 (1) Subject to rule 177, the Schedule D forms shall be used where required by these Rules and shall be prepared in accordance with the requirements of rules 178 and 179.

(2) The forms of execution in Schedule D shall be used in the execution of dispositions in the scheduled forms in the cases for which they are provided, or are capable of being applied or adapted, with such alterations and additions, if any, as the registrar may allow.

### Use of forms other than Schedule D forms

177 (1) This rule applies where—

- (a) an application should be accompanied by a Schedule D form and a person wishes to make an application relying instead upon an alternative document that is not the relevant Schedule D form; and
- (b) it is not possible for that person to obtain and lodge the relevant Schedule D form (duly executed, if appropriate) at the LTRO or it is only possible to do so at unreasonable expense.

(2) Such a person may make a request to the registrar, either before or at the time of making the application which should be accompanied by the relevant Schedule D form, that he be permitted to rely upon the alternative document.

(3) The request shall contain evidence to satisfy the registrar as mentioned in paragraph (1)(b) and include the original, or, if the request is made before the application, a copy, of the alternative document.

(4) If, after considering the request, the registrar is satisfied as mentioned in paragraph (1)(b) and that neither the rights of any person nor the keeping of the register are likely to be materially prejudiced by allowing the alternative document to be relied upon instead of the relevant Schedule D form, he may permit such reliance.

(5) If the registrar allows the request it may be on condition that the person making the request provide other documents or evidence in support of the application.

(6) This rule is without prejudice to any of the registrar's powers under the Act.

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### Documents in a Schedule D form

178 (1) Subject to rule 179, any application or document in one of the Schedule D forms shall—

- (a) be reproduced —
  - (i) in the form prescribed in Part 2 of that Schedule; or
  - (ii) in the case of a form that is not prescribed in Part 2 of that Schedule, in the form published by the LTRO on its website; and
- (b) contain all the information required and be easily legible.

(2) Where on a Schedule D form (other than Form DL) any panel is insufficient in size to contain the required insertions, and the method of production of the form does not allow the depth of the panel to be increased, the information to be inserted in the panel shall be continued on a continuation sheet in Form CS.

(3) When completing a Schedule D form containing an additional provisions panel, any statement, certificate or application required or permitted by these Rules to be included in the form for which the form does not otherwise provide, and any additional provisions desired by the parties, shall be inserted in that panel or a continuation of it.

(4) Where the form consists of more than one sheet of paper, or refers to an attached plan or a continuation sheet, all the sheets and any plan shall be securely fastened together.

### Electronically produced forms

179 Where the electronic reproduction of a Schedule D form permits—

- (a) the depth of a panel may be increased or reduced to fit the material to be comprised in it, and a panel may be divided at a page break;
- (b) instructions in italics may be omitted;
- (c) inapplicable certificates and statements may be omitted;
- (d) the plural may be used instead of the singular and the singular instead of the plural;
- (e) panels which would contain only the panel number and the panel heading may be omitted, but such omission must not affect the numbering of subsequent panels;
- (f) “X” boxes may be omitted where all inapplicable statements and certificates have been omitted;
- (g) the sub-headings in an additional provisions panel may be added to, amended, repositioned or omitted;
- (h) “Seller” may be substituted for “Transferor” and “Buyer” for “Transferee” in a transfer on sale;

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- (i) the vertical lines which define the left and right boundaries of the panel may be omitted.

Documents where no form is provided by these Rules

180 (1) Documents for which no form is provided by these Rules shall be in such form as the registrar may direct or allow.

(2) A document prepared under this rule shall not bear the number of a Schedule D form.

(3) A document affecting an individual register shall refer to the parcel number.

Identification of part of a registered parcel dealt with

181 (1) An application lodged at the LTRO dealing with part of a registered parcel shall have attached to it a plan identifying clearly the part of the registered parcel being dealt with.

(2) The applicant or the disponor shall sign the plan.

Lodging of copy instead of an original document

182 (1) Subject to paragraphs (2), (3) and (4), where a rule requires that an application be accompanied by an original document (for instance, a grant of representation) the applicant may, instead of lodging the original, lodge a certified or official copy of that document.

(2) This rule does not apply to—

- (a) any document required to be lodged under Part 4;
- (b) a Schedule D form;
- (c) a document that is a registrable disposition.

(3) This rule also does not apply where the registrar considers that the circumstances are such that the original of a document should be lodged and the applicant has possession, or the right to possession, of that original document.

(4) Where this rule permits a certified or official copy of a document to be lodged the registrar may, where he is satisfied that it is not practicable to lodge an official or certified copy and that the copy is authentic, permit an uncertified copy of the document to be lodged instead.

Documents and other evidence in support of an application

183 (1) This rule applies where—

- (a) the lodging of a document (not being a Schedule D form) or other evidence in support of an application is required by these Rules; and
- (b) the document or other evidence is in the particular case unnecessary or the purpose of the lodging of the document or other evidence can be achieved by another document or other evidence.

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(2) An applicant may, in writing, request the registrar to grant permission for the applicant to be relieved of the requirement described in paragraph 1(a).

(3) The request shall contain evidence to satisfy the registrar as mentioned in paragraph (1)(b).

(4) If, after considering the request, the registrar is satisfied as mentioned at paragraph (1)(b) and that neither the rights of any person nor the keeping of the register are likely to be materially prejudiced by relieving the applicant of the requirement, he may so relieve the applicant.

(5) If the registrar allows the request it may be on condition that the applicant provides other documents or evidence in support of the application.

(6) This rule is without prejudice to any of the registrar's powers under the Act.

### LTRO opening hours

184 The LTRO is ordinarily open to the public from 8:30 am to 4:30 pm daily except on Saturdays, Sundays, and other public holidays.

### Notices publicising arrangements for electronic and other modes of delivery of applications and other matters

185 If the registrar is satisfied that adequate arrangements have been made or will be in place for dealing with the applications and other communications to and by the registrar by electronic means, he may, in such manner as he thinks appropriate, give notice publicising the arrangements.

### Commencement

186 These Rules shall come into operation on 2 July 2018.

SCHEDULE A

(rule 27)

SETTLED LAND

Interpretation

1 In this Schedule—

“possession” has the same meaning as in the Trustee Act 1975;

“settled land” means land which is, or is deemed to be, the subject of a settlement.

General

2 (1) Where an event described in section 24 of the Act occurs or the registrar (having published an appropriate notice in accordance with paragraph 1 of Schedule 3 to the Act permitting voluntary applications) is permitting applications to be made without such an event, and the application affects settled land, any person with an identifiable legal interest in the land will be entitled to apply for registration of that interest.

(2) Unregistered land which is settled land shall be registered as either a freehold estate in land or a leasehold estate in land.

(3) The registrar may enter such restrictions in the proprietorship section of the relevant individual register as he deems appropriate in the circumstances.

(4) The following paragraphs set out arrangements that are to apply to settled land and are compatible with limiting the land title register to the registration of freehold and leasehold estates.

Simple settlement

3 (1) Where a person (“X”) holds a life estate in possession, and this is followed immediately by a fee simple in remainder held by another person (“Y”), then either X or Y may apply for registration of the following estates—

(a) the freehold estate in the land, with Y registered as the owner, with the leasehold estate referred to in subparagraph (b) noted as an incumbrance in the incumbrances section of the register; and

(b) a leasehold estate in relation to the life estate in possession of X for a term of 120 years from the date of the application to the registrar subject to determination after the death of X.

(2) Upon registration in this manner, the previous life estate shall be extinguished and the following entries shall be made on the register—

(a) “There is implied into this estate a covenant on the part of the owner not to commit or allow waste injurious to the estate by diminishing the value of the estate, increasing the burden upon it or impairing evidence of title.”; and

- (b) “This estate may be determined on application made by Y or his attorney for cancellation of the registered leasehold estate, such application being accompanied by evidence satisfactory to the registrar of X’s death.”.

Complex settlement

4 Where land is held in succession in more complex ways, then the following shall apply—

- (a) each identifiable person in existence who holds an estate under the settlement is to be entitled to apply for registration;
- (b) where there is more than one successive life estate (so that one person, or more than one person, holds a life estate with remainder to another for life with remainders over, including possible further life estates)—
  - (i) the person (or persons) entitled to the fee simple estate in remainder shall be registered as owner of the freehold estate in land;
  - (ii) the person (or persons) holding the life estate in possession shall be registered as owner of the leasehold estate referred to in paragraph 2(2);
  - (iii) each successive owner of a life estate shall be registered as owner of a leasehold estate held on the same terms as to rent and waste, but for a term that exceeds by one day the term of the lease held by the preceding life tenant, the lease so held to be subject to the lease held by the preceding life tenant as a sub-lease.

Settlements involving a fee tail

5 Where the successive interests held under a settlement include a fee tail estate—

- (a) if such estate can be shown to be vested in an identifiable person, then, on an application for registration of the successive estates—
  - (i) the owner of the fee tail estate shall be registered as owner of the freehold estate, with notice of any intermediate estates noted as incumbrances in the incumbrances section of the relevant individual register; and
  - (ii) the fee tail shall be disentailed on registration; or
- (b) if no existing person can be identified as holding the estate—
  - (i) trustees shall be registered, in accordance with subparagraph (iv), to be owners of the fee simple estate;
  - (ii) a minimum of one person in the case of a trust corporation, or a minimum of two persons in any other case, shall be nominated by the person or persons who hold the estate in land in possession to be registered as trustees of the fee simple estate;
  - (iii) if there is more than one person entitled to nominate the trustees, but they are unable to agree between them as to who is to be nominated,

then an application shall be made to the court to determine the question on the application of any of those persons;

- (iv) on application for first registration of land held under such a settlement, accompanied by satisfactory evidence as to the terms of the settlement and showing that there is no one in whom the fee tail estate is vested, and also accompanied by the written nomination or court determination already mentioned (together with confirmation in writing from the nominated trustees that they are willing to act as such), the fee simple estate shall be registered as a freehold estate in land with the trustees as owners, subject to appropriate lease (or leases) for life to reflect the interest (or interests) of any prior life tenant (or tenants);
- (v) when registered as owners of the freehold estate, the trustees shall hold the estate on trust to transfer it to—
  - (A) the person who would have become entitled to the fee tail estate, once such person has reached the age of majority; or
  - (B) if it becomes clear that no such person can exist the person who would have been entitled in remainder or reversion on the fee tail estate having determined.

#### Mortgages and charges affecting settled estates in land

6 If there are any other interests under a settlement affecting unregistered land that take effect as a charge upon any estate held in succession, then, on registration of the relevant estates, any mortgage by way of conveyance or sub-lease shall be converted to a charge by way of legal mortgage and entered in the relevant individual register as a registered charge affecting the estate out of which the registration has derived.

#### Easements burdening settled estates in land

7 (1) Following registration of a lease or leases terminable by notice following the death of the relevant life tenant and registration of the freehold estate subject to the lease (or leases), under the arrangements outlined above, the registrations shall be made subject to easements (to be recorded by way of notice in the relevant individual register (or registers)) equivalent to the easements that, prior to registration, affected the estate out of which the registration has derived.

(2) An easement burdening the land as a whole shall be noted as an incumbrance against all the derived individual registers.

#### Easements benefitting settled estates in land

8 (1) Following registration of a lease or leases terminable by notice following the death of the relevant life tenant and the freehold estate subject to the lease (or leases), under the arrangements outlined above, the registrations shall benefit from any easements (to be recorded as appurtenant to the land in the relevant individual register (or registers)) equivalent to the easements that, prior to registration, benefited the estate out of which the registration has derived.

(2) An easement benefiting the land as a whole shall be noted as appurtenant to the estate registered under each of the derived individual registers.

Death of an owner of a leasehold estate determinable by death

9 Following registration of a lease or leases terminable by notice following the death of the relevant life tenant, under the arrangements outlined above, the owner of the immediate reversionary estate may apply for the register of the estate which belonged to the deceased person to be closed, and notice of that estate shall be removed as an incumbrance on the register of the reversionary estate upon application to the registrar in form A2 and production to the registrar of—

- (a) evidence of the death of any and all owners of the estate to be closed; and
- (b) the original deed (or certified copy) creating the life interest.

SCHEDULE B

(rule 2(3))

STANDARD FORMS OF RESTRICTION

Form A

Restriction on dispositions by sole owner

No disposition by a sole owner of the registered estate (except a trust corporation) under which capital money arises is to be registered unless it complies with the Conveyancing Act 1983.

Form B

Dispositions by trustees—certificate required

No disposition [or specify details] by the owners of the registered estate is to be registered unless they make a statutory declaration, or their attorney gives a certificate, that the disposition [or specify details] is in accordance with [specify the disposition creating the trust] or some variation thereof referred to in the declaration or certificate.

Form C

Dispositions by personal representatives—certificate required

No disposition by [name], the [executor or administrator] of [name] deceased, other than a transfer as personal representative, is to be registered unless he makes a statutory declaration, or his attorney gives a certificate, that the disposition is in accordance with the terms [of the will of the deceased or the law relating to intestacy as varied by a deed dated (specify details of deed or specify appropriate details)] or [some variation or further variation] thereof referred to in the declaration or certificate, or is necessary for the purposes of administration.

Form D

Disposition by trustee in bankruptcy and beneficial interest—certificate required

No disposition of the [choose whichever bulleted clause is appropriate]

- registered estate, other than a disposition by the proprietor of any registered charge registered before the entry of this restriction,
- registered charge dated [date] referred to above, other than a disposition by the proprietor, of any registered sub-charge of that charge registered before the entry of this restriction, is to be registered without a certificate signed by the applicant for registration or their attorney

## LAND TITLE REGISTRATION RULES 2018

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that written notice of the disposition was given to [name of trustee in bankruptcy] (the trustee in bankruptcy of [name of bankrupt person]) at [address for service].

### Form E

#### Charging order affecting beneficial interest—certificate required

No disposition of the [registered estate or registered charge dated [date]] is to be registered without a certificate signed by the applicant for registration or his attorney that written notice of the disposition was given to [name of person with the benefit of the charging order] at [address for service], being the person with the benefit of [an interim] [a final] charging order on the beneficial interest of [name of judgment debtor] made by the court on [date] [court reference number].

### Form F

#### Disposition by registered owner of registered estate or owner of charge—consent required

No disposition [or specify details] of the registered estate [(other than a charge)] by the owner of the registered estate [or by the owner of any registered charge] is to be registered without a written consent [signed by [name] of [address] (or [his attorney] or specify appropriate details)] or [signed on behalf of [name] of [address] by [its secretary or attorney or specify appropriate details]].

### Form G

#### Disposition by registered owner of registered estate or owner of charge—consent of owner of specified charge required

No disposition [or specify details] of the registered estate [(other than a charge)] by the owner of the registered estate [or by the owner of any registered charge] is to be registered without a written consent signed by the owner for the time being of the charge dated [date] in favour of [chargee] referred to in the incumbrances section [(or his attorney or specify appropriate details)] or, if appropriate, signed on such owner's behalf by [its secretary or attorney or specify appropriate details].

### Form H

#### Disposition by owner of charge—certificate of compliance required

No disposition [or specify details] by the owner of the registered charge dated [date] (referred to above) is to be registered without a certificate [signed by [name] of [address] (or [his attorney] or specify appropriate details)] or [signed on behalf of [name] of [address] by [its

## LAND TITLE REGISTRATION RULES 2018

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secretary or attorney or specify appropriate details], that the provisions of [specify clause, paragraph or other particulars] of [specify details] have been complied with.

### Form I

#### Parsonage, diocesan glebe, church or churchyard land

No disposition of the registered estate is to be registered unless made in accordance with the Church of England in Bermuda Act 1975.

### Form J

#### Disposition by owner of charge—consent required

No disposition [or specify details] by the owner of the registered charge dated [date] (referred to above) is to be registered without a written consent [signed by [name] of [address] (or [his attorney] or specify appropriate details)] or [signed on behalf of [name] of [address] by [its secretary or attorney or specify appropriate details]].

### Form K

#### Conveyances by Bermuda Housing Corporation

No transfer or lease by the owner of the registered estate or by the owner of any registered charge is to be registered unless a certificate of consent by the Minister is given to the transfer or lease.

### Form L

#### Court order on the registered estate

Under an order of the court made on (date) (court reference number) no disposition by the owner of the registered estate is to be registered except under a further order of the court.

### Form M

#### Court order on charge

Under an order of the court made on (date) (court reference number) no disposition by the owner of the charge is to be registered except under a further order of the court.

## LAND TITLE REGISTRATION RULES 2018

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### Form N

#### Application for court order on the registered estate

Pursuant to an application made on (date) to the court for a freezing order to be made under (statutory provision) no disposition by the owner of the registered estate is to be registered except with the consent of (name of the person applying) or under a further order of the court.

### Form O

#### Conveyances by Bermuda Land Development Company Limited or West End Development Corporation

No transfer or lease by the owner of the registered estate or by the owner of any registered charge is to be registered unless a certificate of consent by the Minister is given to the transfer or lease.

### Form P

#### Application for court order on charge

Pursuant to an application made on (date) to the court for a freezing order to be made under (statutory provision) no disposition by the owner of the registered charge dated (date) (referred to above) is to be registered except with the consent of (name of the person applying) or under a further order of the court.

### Form R

#### Application on the disposition of land by Housing Association

No disposition by the owner of the registered estate is to be registered without a certificate [signed by [name] of [address] (or [his attorney] or specify appropriate details)] or [signed on behalf of [name] of [address] by [its secretary or attorney or specify appropriate details], that the provisions of section 27(1) of the Bermuda Housing Act 1980 have been complied with.

### Form S

#### Application for Restriction as to evidence of execution

No disposition of [the registered estate or the registered charge dated (date) referred to above] by the proprietor [of the registered estate or of that registered charge] is to be registered without a certificate signed by an attorney that he is satisfied that the person

who executed the document submitted for registration as disponer is the same person as the proprietor.

SCHEDULE C

(rule 133)

INFORMATION TO BE INCLUDED IN THE RESULTS OF AN OFFICIAL SEARCH

Part 1: Information to be included in the results of an official search of the Land Title Registry Index Map

- A. The date and time of the official search certificate.
- B. A description of the land searched.
- C. The reference (if any) of the applicant or the person to whom the search is being sent: limited to 25 characters including spaces.
- D. Whether there is—
  - (i) a pending application for first registration;
  - (ii) a pending application for a caution against first registration;
  - (iii) a registered estate in land;
  - (iv) a registered rentcharge;
  - (v) a registered profit a prendre in gross; or
  - (vi) a caution against first registration,and, if there is such a registered estate or caution, the parcel number.

Part 2: Information to be included in the results of an official search of an individual register

- A. The parcel number.
- B. The date and time of the official search certificate.
- C. The applicant's name.
- D. The applicant's, or his agent's, reference (if any): limited to 25 characters including spaces.
- E. Details of any relevant adverse entries made in the individual register since the end of the day specified in the application as the search from date.
- F. Notice of the entry of any relevant pending application affecting the individual register entered on the day list (other than an application to designate a document as an exempt information document under rule 126).
- G. Notice of the entry of any relevant official search the priority period of which has not expired.
- H. If the official search is with priority, the date and time at which the priority expires.
- I. If the official search is without priority, a statement that the certificate does not confer on the applicant priority for any registrable disposition.

Part 3: Information to be included in the results of an official search with priority in relation to a pending application for first registration

- A. The parcel number allotted to the pending application for first registration.
- B. The date and time of the official search certificate.

## LAND TITLE REGISTRATION RULES 2018

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- C. If the official search is of part, a short description of the property.
- D. The applicant's name.
- E. The applicant's, or his agent's, reference (if any): limited to 25 characters including spaces.
- F. The full name of the person who has applied for first registration.
- G. The date and time at which the pending application for first registration was entered on the work queue.
- H. Notice of the entry of any relevant pending application affecting the estate sought to be registered and entered on the work queue subsequent to the date and time at which the pending application for first registration was entered on the day list (other than an application to designate a document as an exempt information document under rule 126).
- I. Notice of the entry of any relevant official search the priority period of which has not expired affecting the pending application for first registration.
- J. The date and time at which priority expires.

### Part 4: Information to be included in the results of an official search of a judgment register

- A. The court file reference.
- B. Confirmation of which party the judgment was awarded to (e.g. the plaintiff or defendant).
- C. The type of judgment (e.g. matrimonial).
- D. The type of relief claimed (e.g. charging order).
- E. The costs and interest awarded.
- F. The LTRO parcel number.
- G. The date of filing of the writ.
- H. The date of judgment.
- I. The date of satisfaction (confirmation that the entire debt has been paid off).
- J. The date of notification of satisfaction.
- K. The capacity of the person notifying satisfaction.
- L. The payment history.

SCHEDULE D

(rule 2(1))

FORMS

PART 1: LIST OF SCHEDULE D FORMS

Part 3: Information to be included in the results of an official search with priority in relation to a pending application for first registration

(These forms are available on, and can be downloaded from, the LTRO website at [www.ltro.bm](http://www.ltro.bm). Hard copies of the forms are available at the LTRO.)

APPLICATION FORMS

- A1 First Registration
- A2 Dealing of Whole of Registered Estate
- A3 Dealing of Part of a Registered Estate
- A4 Caution Against First Registration

REGISTRATION FORMS

- R1 Transfer of Whole of Registered Estate(s)
- R2 Transfer of Part of a Registered Estate
- R3 Transfer of a Registered Estate by a Chargee (Power of Sale)
- R4 Transfer of a Registered Estate by an Estate Representative
- R5 Determination of a Registered Lease/Cancellation of Notice of Lease
- R7 Charge of a Registered Estate
- R8 Transfer of Registered Charge(s)
- R9 Release of Registered Charge(s)
- R25 Deed of Grant of Easement
- R26 Severance of a Joint Tenancy

UPDATE OF REGISTER FORMS

- R6 Amalgamation of Two or More Registered Parcels
- R10 Registration of a Restriction against a Registered Estate
- R11 Removal of Registered Restriction(s)
- R12 Registration of an Agreed Notice against a Registered Estate
- R13 Registration of a Unilateral Notice against a Registered Estate
- R14 Removal of Registered Notice(s)
- R15 Application to Note the Death of a Joint Registered Owner
- R16 Transfer of a Registered Estate held in a Condominium
- R18 Application to register Bankruptcy, Insolvency or Court Proceedings
- R19 Upgrade of Title
- R21 Registration of a Subdivision
- R24 Registration of a Lease incumbent on a Registered Estate
- R29 Registration of Rights under the Law Reform (Husband & Wife) Act 1977

SUPPORTING EVIDENCE FORMS

## LAND TITLE REGISTRATION RULES 2018

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- R20 Exempt Documents
- R22 Registration of an Acquisition of Land by a Restricted Person
- R23 Statutory Declaration in Support of an Application for Adverse Possession or Lost Deeds
- R27 Registration of Power of Attorney
- R28 Revocation of Registered Power of Attorney

### MISCELLANEOUS FORMS

- ADJ1 Notice of Objection
- CS Continuation Sheet
- CIT Investigation or enforcement proceedings (court, insolvency, tax)
- DL Documents Lodged with an application for Registration
- R30 Miscellaneous Registration Form

### REGISTRATION SERVICES FORMS

- R31 Search of Whole of a Registered Parcel
- R32 Search of Part of a Registered Parcel
- S1 Application for Official Copies of the Register/ Extract of LTRIM/ Scanned documents referred to on the Register
- S2 Search of Land Title Registry Index Map
- S3 Application for Miscellaneous Request of the Registrar

### JUDGMENT REGISTRATION FORMS

- R33 Registration of a Judgment
- R34 Release of a Judgment
- R35 Release of Part of a Judgment
- S4 Search of the Judgment Register

## LAND TITLE REGISTRATION RULES 2018

### PART 2: FORMS PRESCRIBED IN RULE 62



LAND TITLE REGISTRY OFFICE

#### FORM R1

Transfer of Whole of Registered Estate(s)

##### (SECTION A) APPLICANT INFORMATION

*(Details of the person(s) to be entered as owner(s) on the register)*

Primary application number  
For LTRO staff use only. Please leave blank

|                                                                                  |  |
|----------------------------------------------------------------------------------|--|
| [Full Name of all] Transferor(s)                                                 |  |
| [Full Name of] Transferee 1                                                      |  |
| Address of transferee 1 for entry on the Register                                |  |
| [Full Name of] Transferee 2                                                      |  |
| Address of transferee 2 for entry on the Register (if different to Transferee 1) |  |
| [Full Name of] Transferee 3                                                      |  |
| Address of transferee 3 for entry on the Register (if different to Transferee 1) |  |
| [Full Name of] Transferee 4                                                      |  |
| Address of transferee 4 for entry on the Register (if different to Transferee 1) |  |

*(Please use Form CS to continue if necessary and attach to this form)*

##### (SECTION B) PROPERTY DETAILS

|                                                                         |  |
|-------------------------------------------------------------------------|--|
| LTRO Parcel Number<br><i>(Use separate form for each parcel number)</i> |  |
| Property address or description<br><i>(the "Property")</i>              |  |



FORM R1

## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

### (SECTION C) APPLICANT DETAILS

*(Please use Form CS to continue if necessary and attach to this form)*

| Specify how the land is to be held by the applicant(s) <i>(check one box)</i>                                            |                                           |                                                                                              |                                         |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------|
| SOLE OWNER<br><input type="checkbox"/>                                                                                   | JOINT TENANTS<br><input type="checkbox"/> | TENANTS IN COMMON<br>(if checked next section must be completed)<br><input type="checkbox"/> | AS TRUSTEES<br><input type="checkbox"/> |
| If tenants in common, the transferees hereby declare that the percentage of the undivided shares they hold is as follows |                                           |                                                                                              |                                         |
|                                                                                                                          | <i>[% of the land held e.g., 20]</i>      | <i>Signature of Transferee</i>                                                               |                                         |
| Transferee 1                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 2                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 3                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 4                                                                                                             |                                           |                                                                                              |                                         |

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| THE TRANSFEROR(S) TRANSFER(S) THE PROPERTY TO THE TRANSFeree(S)                                                                                                                                                                 |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Consideration</b>                                                                                                                                                                                                            |                                     |
| The Transferor(s) has received from the Transferee(s) for the property the opposite sum (in words and figures)<br><i>(if there is no monetary consideration state 'none')</i>                                                   |                                     |
| <b>EXECUTION</b>                                                                                                                                                                                                                |                                     |
| <i>The Transferor and the Transferee must execute this Transfer as a deed using the appropriate form of execution, and by doing so agree to the terms of this transfer including any additional provisions stated overleaf.</i> |                                     |
| Execution by the Transferor(s)                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                    |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign &amp; Print Name Here]</i> |
| Execution by the Transferee(s)                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                    |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign &amp; Print Name Here]</i> |
| DATE OF EXECUTION                                                                                                                                                                                                               |                                     |
|                                                                                                                                                                                                                                 | <i>[DD/MM/YYYY]</i>                 |



## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

**ADDITIONAL PROVISIONS**

*[state any easements, covenants, restrictions, notices, or other matters for entry on the register]  
(Please use Form CS to continue if necessary and attach to this form)*

**STAMP DUTY TO BE AFFIXED HERE**

**LTRD DISCLAIMER:** If you dishonestly or recklessly enter information on to any Land Title and Registration Office form which is untrue or you suspect to be untrue you may be guilty of an offence under s. 145 of the Criminal Code Act 1907 and upon conviction you may be sentenced to serve a prison term. Failure to accurately complete this form with proper care may result in a loss of protection under the Land Title Registration Act 2011 if, as a result, a mistake is made in the register.



FORM R1

## LAND TITLE REGISTRATION RULES 2018



LAND TITLE REGISTRY OFFICE

### FORM R2

Transfer of Part of a Registered Estate

#### (SECTION A) APPLICANT INFORMATION

(Details of the person(s) to be entered as owner(s) on the register)

Primary application number  
For LTRO staff use only. Please leave blank

|                                                                                                 |  |
|-------------------------------------------------------------------------------------------------|--|
| [Full Name of all] Transferor(s)                                                                |  |
| [Full Name of] Transferee 1                                                                     |  |
| Address of transferee 1 for entry on the Register                                               |  |
| [Full Name of] Transferee 2<br><small>(if applicable)</small>                                   |  |
| Address of transferee 2 for entry on the Register <small>(if different to Transferee 1)</small> |  |
| [Full Name of] Transferee 3<br><small>(if applicable)</small>                                   |  |
| Address of transferee 3 for entry on the Register <small>(if different to Transferee 1)</small> |  |
| [Full Name of] Transferee 4<br><small>(if applicable)</small>                                   |  |
| Address of transferee 4 for entry on the Register <small>(if different to Transferee 1)</small> |  |

(Please use Form CS to continue if necessary and attach to this form)

#### (SECTION B) PROPERTY DETAILS

|                                                                                 |                                                                 |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------|
| LTRO Parcel Number<br><small>(Use separate form for each parcel number)</small> |                                                                 |
| Property address or description<br><small>(the "Property")</small>              | The property is defined on the attached plan and is shown ..... |



FORM R2

## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

### (SECTION C) APPLICANT DETAILS

(Please use Form CS to continue if necessary and attach this form)

| Specify how the land is to be held by the applicant(s) <i>(check one box)</i>                                            |                                           |                                                                                              |                                         |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------|
| SOLE OWNER<br><input type="checkbox"/>                                                                                   | JOINT TENANTS<br><input type="checkbox"/> | TENANTS IN COMMON<br>(if checked next section must be completed)<br><input type="checkbox"/> | AS TRUSTEES<br><input type="checkbox"/> |
| If tenants in common, the transferees hereby declare that the percentage of the undivided shares they hold is as follows |                                           |                                                                                              |                                         |
|                                                                                                                          | <i>[% of the land held e.g., 20]</i>      | <i>Signature of Transferee</i>                                                               |                                         |
| Transferee 1                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 2                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 3                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 4                                                                                                             |                                           |                                                                                              |                                         |



FORM R2

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| THE TRANSFEROR(S) TRANSFER(S) THE PROPERTY TO THE TRANSFeree(S)                                                                                                                                                                 |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Consideration</b>                                                                                                                                                                                                            |                                     |
| The Transferor(s) has received from the Transferee(s) for the property the opposite sum (in words and figures)<br><i>(If there is no monetary consideration state 'none')</i>                                                   |                                     |
| <b>EXECUTION</b>                                                                                                                                                                                                                |                                     |
| <i>The Transferor and the Transferee must execute this Transfer as a deed using the appropriate form of execution, and by doing so agree to the terms of this transfer including any additional provisions stated overleaf.</i> |                                     |
| Execution by the Transferor(s)                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                    |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign &amp; Print Name Here]</i> |
| Execution by the Transferee(s)                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                    |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign &amp; Print Name Here]</i> |
| DATE OF EXECUTION                                                                                                                                                                                                               |                                     |
|                                                                                                                                                                                                                                 | <i>[DD/MM/YYYY]</i>                 |



## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

**ADDITIONAL PROVISIONS**

*[state any easements, covenants, restrictions, notices, or other matters for entry on the register]  
(Please use Form CS to continue if necessary and attach to this form)*

**STAMP DUTY TO BE AFFIXED HERE**

**LTRO DISCLAIMER:** If you dishonestly or recklessly enter information on to any Land Title Registration Office form which is untrue or you suspect to be untrue you may be guilty of an offence under s. 145 of the Criminal Code Act 1907 and upon conviction you may be sentenced to serve a prison term. Failure to accurately complete this form with proper care may result in a loss of protection under the Land Title Registration Act 2011 if, as a result, a mistake is made in the register.



FORM R2

## LAND TITLE REGISTRATION RULES 2018



LAND TITLE REGISTRY OFFICE

Primary application number  
For LTRO staff use only. Please leave blank

### FORM R3

Transfer of a Registered Estate by a Chargee (Power of Sale)

#### (SECTION A) APPLICANT INFORMATION

*(Details of the person(s) to be entered as owner(s) on the register)*

|                                                                                         |                                |  |
|-----------------------------------------------------------------------------------------|--------------------------------|--|
| <b>Transferor</b><br><i>(name of chargee exercising power of sale)</i>                  |                                |  |
| <b>Charge details "The Charge"</b>                                                      |                                |  |
| <b>Date of charge</b>                                                                   | <b>LTRO Application number</b> |  |
|                                                                                         |                                |  |
| <b>[Full Name of] Transferee 1</b>                                                      |                                |  |
| <b>Address of transferee 1 for entry on the Register</b>                                |                                |  |
| <b>[Full Name of] Transferee 2</b><br><i>(if applicable)</i>                            |                                |  |
| <b>Address of transferee 2 for entry on the Register (if different to Transferee 1)</b> |                                |  |
| <b>[Full Name of] Transferee 3</b><br><i>(if applicable)</i>                            |                                |  |
| <b>Address of transferee 3 for entry on the Register (if different to Transferee 1)</b> |                                |  |
| <b>[Full Name of] Transferee 4</b><br><i>(if applicable)</i>                            |                                |  |
| <b>Address of transferee 4 for entry on the Register (if different to Transferee 1)</b> |                                |  |

*(Please use Form CS to continue if necessary and attach to this form)*

#### (SECTION B) PROPERTY DETAILS

|                                                                                      |  |
|--------------------------------------------------------------------------------------|--|
| <b>LTRO Parcel ID Number</b><br><i>(Use separate form for each parcel ID number)</i> |  |
| <b>Property address or description</b><br><i>(the "Property")</i>                    |  |



FORM R3

## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

### (SECTION C) TRANSFeree DETAILS

*(Please use Form CS to continue if necessary and attach to this form)*

| Specify how the land is to be held by the transferee(s) <i>(check one box)</i>                                           |                                           |                                                                                              |                                         |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------|
| SOLE OWNER<br><input type="checkbox"/>                                                                                   | JOINT TENANTS<br><input type="checkbox"/> | TENANTS IN COMMON<br>(if checked next section must be completed)<br><input type="checkbox"/> | AS TRUSTEES<br><input type="checkbox"/> |
| If tenants in common, the transferees hereby declare that the percentage of the undivided shares they hold is as follows |                                           |                                                                                              |                                         |
|                                                                                                                          | <i>[% of the land held e.g., 20]</i>      | <i>Signature of Transferee</i>                                                               |                                         |
| Transferee 1                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 2                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 3                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 4                                                                                                             |                                           |                                                                                              |                                         |

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|                                                                                                                                                                                                                                                   |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>IN EXERCISE OF THE POWER OF SALE CONFERRED BY THE CHARGE THE TRANSFEROR(S) TRANSFER(S) THE PROPERTY TO THE transferee(s)</b>                                                                                                                   |                          |
| <b>Consideration</b>                                                                                                                                                                                                                              |                          |
| The Transferor has received from the Transferee(s) for the property the opposite sum<br>(in words and figures)<br><i>(If there is no monetary consideration state 'none')</i>                                                                     |                          |
| <b>EXECUTION</b><br><i>The Transferor and the Transferee must execute this Transfer as a deed using the appropriate form of execution, and by doing so agree to the terms of this transfer including any additional provisions stated herein.</i> |                          |
| Execution by the Transferor                                                                                                                                                                                                                       | [Sign or Seal Here]      |
| Witnessed By                                                                                                                                                                                                                                      | [Sign & Print Name Here] |
| Execution by the Transferee(s)                                                                                                                                                                                                                    | [Sign or Seal Here]      |
| Witnessed By                                                                                                                                                                                                                                      | [Sign & Print Name Here] |
| DATE OF EXECUTION                                                                                                                                                                                                                                 | [DD/MM/YYYY]             |



## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

### ADDITIONAL PROVISIONS

*[state any easements, covenants, restrictions, notices, or other matters for entry on the register]  
(Please use Form CS to continue if necessary and attach to this form)*

**STAMP DUTY TO BE AFFIXED HERE**

**LTRD DISCLAIMER:** If you dishonestly or recklessly enter information on to any Land Title and Registration Office form which is untrue or you suspect to be untrue you may be guilty of an offence under s. 145 of the Criminal Code Act 1907 and upon conviction you may be sentenced to serve a prison term. Failure to accurately complete this form with proper care may result in a loss of protection under the Land Title Registration Act 2011 if, as a result, a mistake is made in the register.



FORM R3

## LAND TITLE REGISTRATION RULES 2018



LAND TITLE REGISTRY OFFICE

Primary application number  
For LTRO staff use only. Please leave blank

### FORM R4

Transfer of a Registered Estate by an Estate Representative

#### (SECTION A) APPLICANT INFORMATION

*(Details of the person(s) to be entered as owner(s) on the register)*

|                                                                                                                           |  |
|---------------------------------------------------------------------------------------------------------------------------|--|
| [Full Name of] Deceased Owner                                                                                             |  |
| [Full Name of] TRANSFEROR(S)<br><i>(Estate Representative(s) as they appear on the probate/letters of administration)</i> |  |
| [Full Name of] Transferee 1                                                                                               |  |
| Address of transferee 1 for entry on the Register                                                                         |  |
| [Full Name of] Transferee 2<br><i>(if applicable)</i>                                                                     |  |
| Address of transferee 2 for entry on the Register <i>(if different to Transferee 1)</i>                                   |  |
| [Full Name of] Transferee 3<br><i>(if applicable)</i>                                                                     |  |
| Address of transferee 3 for entry on the Register <i>(if different to Transferee 1)</i>                                   |  |
| [Full Name of] Transferee 4<br><i>(if applicable)</i>                                                                     |  |
| Address of transferee 4 for entry on the Register <i>(if different to Transferee 1)</i>                                   |  |

*(Please use Form CS to continue if necessary and attach to this form)*

#### (SECTION B) PROPERTY DETAILS

|                                                                         |  |
|-------------------------------------------------------------------------|--|
| LTRO Parcel Number<br><i>(Use separate form for each parcel number)</i> |  |
| Property address or description<br><i>(the "Property")</i>              |  |



FORM R4

## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

### (SECTION C) TRANSFeree DETAILS

(Please use Form CS to continue if necessary and attach to this form)

|                                                                                                                          |                                              |                                                                                                             |                                         |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Specify how the land is to be held by the Transferee(s) <i>(check one box)</i>                                           |                                              |                                                                                                             |                                         |
| SOLE OWNER<br><input type="checkbox"/>                                                                                   | JOINT TENANTS<br><input type="checkbox"/>    | TENANTS IN COMMON<br><small>(if checked next section must be completed)</small><br><input type="checkbox"/> | AS TRUSTEES<br><input type="checkbox"/> |
| If tenants in common, the transferees hereby declare that the percentage of the undivided shares they hold is as follows |                                              |                                                                                                             |                                         |
|                                                                                                                          | <small>[% of the land held e.g., 20]</small> | <small>Signature of Transferee</small>                                                                      |                                         |
| Transferee 1                                                                                                             |                                              |                                                                                                             |                                         |
| Transferee 2                                                                                                             |                                              |                                                                                                             |                                         |
| Transferee 3                                                                                                             |                                              |                                                                                                             |                                         |
| Transferee 4                                                                                                             |                                              |                                                                                                             |                                         |

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| THE TRANSFEROR(S) TRANSFER(S) THE PROPERTY TO THE TRANSFeree(S)                                                                                                                                                                 |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Consideration</b>                                                                                                                                                                                                            |                                     |
| The Transferor(s) has received from the Transferee(s) for the property the opposite sum (in words and figures)<br><i>(if there is no monetary consideration state 'none')</i>                                                   |                                     |
| <b>EXECUTION</b>                                                                                                                                                                                                                |                                     |
| <i>The Transferor and the Transferee must execute this Transfer as a deed using the appropriate form of execution, and by doing so agree to the terms of this transfer including any additional provisions stated overleaf.</i> |                                     |
| Execution by the Transferor(s)                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                    |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign &amp; Print Name Here]</i> |
| Execution by the Transferee(s)                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                    |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign &amp; Print Name Here]</i> |
| DATE OF EXECUTION                                                                                                                                                                                                               |                                     |
|                                                                                                                                                                                                                                 | <i>[DD/MM/YYYY]</i>                 |



## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

**ADDITIONAL PROVISIONS**

*[State any easements, covenants, restrictions, notices, or other matters for entry on the register]  
(Please use Form CS to continue if necessary and attach to this form)*

**STAMP DUTY TO BE AFFIXED HERE**

**LTRO DISCLAIMER:** If you dishonestly or recklessly enter information on to any Land Title and Registration Office form which is untrue or you suspect to be untrue you may be guilty of an offence under s. 145 of the Criminal Code Act 1907 and upon conviction you may be sentenced to serve a prison term. Failure to accurately complete this form with proper care may result in a loss of protection under the Land Title Registration Act 2011 if, as a result, a mistake is made in the register.



FORM R4

## LAND TITLE REGISTRATION RULES 2018



LAND TITLE REGISTRY OFFICE

Primary application number  
For LTRO staff use only. Please leave blank

### FORM R16

Transfer of a Registered Estate held in a Condominium

#### (SECTION A) APPLICANT INFORMATION

*[Details of the person(s) to be entered as owner(s) on the register]*

|                                                                                  |  |
|----------------------------------------------------------------------------------|--|
| [Full Name of all] Transferor(s)                                                 |  |
| [Full Name of] Transferee 1                                                      |  |
| Address of transferee 1 for entry on the Register                                |  |
| [Full Name of] Transferee 2<br>(if applicable)                                   |  |
| Address of transferee 2 for entry on the Register (if different to Transferee 1) |  |
| [Full Name of] Transferee 3<br>(if applicable)                                   |  |
| Address of transferee 3 for entry on the Register (if different to Transferee 1) |  |
| [Full Name of] Transferee 4<br>(if applicable)                                   |  |
| Address of transferee 4 for entry on the Register (if different to Transferee 1) |  |

*(Please use Form CS to continue if necessary and attach to this form)*

#### (SECTION B) PROPERTY DETAILS

|                                                                            |                                                                                |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| LTRO Parcel Number<br><i>(Use separate form for each parcel ID number)</i> |                                                                                |
| Property address or description<br><i>(the "Property")</i>                 | The property is defined on the attached condominium plan and is shown<br>..... |



FORM R16

## LAND TITLE REGISTRATION RULES 2018



LAND TITLE REGISTRY OFFICE

|                                                                  |                                                                   |                                                                    |                                                            |
|------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|
| <b>Documents lodged with this form</b><br>check relevant box(es) | <b>CERTIFICATE OF REGISTRATION CC</b><br><input type="checkbox"/> | <b>MEMORANDUM &amp; ARTICLES OF CC</b><br><input type="checkbox"/> | <b>CC MANAGEMENT AGREEMENT</b><br><input type="checkbox"/> |
|------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------|

(where CC means Condominium Company)  
 (list all documents on form DL and include this form with your application)

### (SECTION C) APPLICANT DETAILS

(Please use Form CS to continue if necessary and attach this form)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                  |                                                                                                     |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------|
| Specify how the land is to be held by the applicant(s) (check one box) LTRO did inform planning that one of their servers is full and that their system (Norwood) is extremely slow with only six members of staff using it. The consequence of planning sharing their server could bring their system to a standstill. Also, the work that LTRO does is highly sensitive and driven by legislation. Thus their parcel layer cannot be affected by planning attributes once LTRO is operational as an attorney and surveyor must certify any changes. |                                                  |                                                                                                     |                                                |
| <b>SOLE OWNER</b><br><input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>JOINT TENANTS</b><br><input type="checkbox"/> | <b>TENANTS IN COMMON</b><br>(if checked next section must be completed)<br><input type="checkbox"/> | <b>AS TRUSTEES</b><br><input type="checkbox"/> |
| If tenants in common, the transferees hereby declare that the percentage of the undivided shares they hold is as follows                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                  |                                                                                                     |                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>[% of the land held e.g., 20]</i>             | <i>Signature of Transferee</i>                                                                      |                                                |
| Transferee 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                     |                                                |
| Transferee 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                     |                                                |
| Transferee 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                     |                                                |
| Transferee 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                     |                                                |



FORM R16

## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

### ADDITIONAL PROVISIONS

*[state any easements, covenants, restrictions, notices, or other matters for entry on the register]*  
*(Please use Form CS to continue if necessary and attach to this form)*

### STAMP DUTY TO BE AFFIXED HERE

**LTRO DISCLAIMER:** If you dishonestly or recklessly enter information on to any Land Title Registration Office form which is untrue or you suspect to be untrue you may be guilty of an offence under s. 145 of the Criminal Code Act 1907 and upon conviction you may be sentenced to serve a prison term. Failure to accurately complete this form with proper care may result in a loss of protection under the Land Title Registration Act 2011 if, as a result, a mistake is made in the register.

FORM R16



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|                                                                                                                                                                                                                                 |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>THE TRANSFEROR(S) TRANSFER(S) THE PROPERTY TO THE TRANSFeree(S)</b>                                                                                                                                                          |                                     |
| <b>Consideration</b>                                                                                                                                                                                                            |                                     |
| The Transferor(s) has received from the Transferee(s) for the property the opposite sum (in words and figures)<br><i>(If there is no monetary consideration state 'none')</i>                                                   |                                     |
| <b>EXECUTION</b>                                                                                                                                                                                                                |                                     |
| <i>The Transferor and the Transferee must execute this Transfer as a deed using the appropriate form of execution, and by doing so agree to the terms of this transfer including any additional provisions stated overleaf.</i> |                                     |
| Execution by the Transferor(s)                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                    |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign &amp; Print Name Here]</i> |
| Execution by the Transferee(s)                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                    |                                     |
|                                                                                                                                                                                                                                 | <i>[Sign &amp; Print Name Here]</i> |
| DATE OF EXECUTION                                                                                                                                                                                                               |                                     |
|                                                                                                                                                                                                                                 | <i>[DD/MM/YYYY]</i>                 |



## LAND TITLE REGISTRATION RULES 2018



LAND TITLE REGISTRY OFFICE

### FORM R21

Registration of a Subdivision

#### (SECTION A) APPLICANT INFORMATION

(Details of the person(s) to be entered as owner(s) on the register)

Primary application number  
For LTRO staff use only. Please leave blank

|                                                                                                 |  |
|-------------------------------------------------------------------------------------------------|--|
| [Full Name of all] Transferor(s)                                                                |  |
| [Full Name of] Transferee 1                                                                     |  |
| Address of transferee 1 for entry on the Register                                               |  |
| [Full Name of] Transferee 2<br><small>(if applicable)</small>                                   |  |
| Address of transferee 2 for entry on the Register <small>(if different to Transferee 1)</small> |  |
| [Full Name of] Transferee 3<br><small>(if applicable)</small>                                   |  |
| Address of transferee 3 for entry on the Register <small>(if different to Transferee 1)</small> |  |
| [Full Name of] Transferee 4<br><small>(if applicable)</small>                                   |  |
| Address of transferee 4 for entry on the Register <small>(if different to Transferee 1)</small> |  |

(Please use Form CS to continue if necessary and attach to this form)

#### (SECTION B) PROPERTY DETAILS

|                                                                                       |                                                                              |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| LTRO Parcel ID Number<br><small>(Use separate form for each parcel ID number)</small> |                                                                              |
| Property address or description<br><small>(the "Property")</small>                    | The property is defined on the attached approved* plan and is shown<br>..... |

\*reference to approved plan means a subdivision plan considered and approved by the Department of Planning.



FORM R21

## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

### (SECTION C) APPLICANT DETAILS

(Please use Form CS to continue if necessary and attach this form)

| Specify how the land is to be held by the applicant(s) <i>(check one box)</i>                                            |                                           |                                                                                              |                                         |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------|
| SOLE OWNER<br><input type="checkbox"/>                                                                                   | JOINT TENANTS<br><input type="checkbox"/> | TENANTS IN COMMON<br>(if checked next section must be completed)<br><input type="checkbox"/> | AS TRUSTEES<br><input type="checkbox"/> |
| If tenants in common, the transferees hereby declare that the percentage of the undivided shares they hold is as follows |                                           |                                                                                              |                                         |
|                                                                                                                          | <i>[% of the land held e.g., 20]</i>      | <i>Signature of Transferee</i>                                                               |                                         |
| Transferee 1                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 2                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 3                                                                                                             |                                           |                                                                                              |                                         |
| Transferee 4                                                                                                             |                                           |                                                                                              |                                         |



FORM R21

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| THE TRANSFEROR(S) TRANSFER(S) THE PROPERTY TO THE TRANSFeree(S)                                                                                                                                                               |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Consideration</b>                                                                                                                                                                                                          |                                     |
| The Transferor(s) has received from the Transferee(s) for the property the opposite sum (in words and figures)<br><i>(If there is no monetary consideration state 'none')</i>                                                 |                                     |
| <b>EXECUTION</b>                                                                                                                                                                                                              |                                     |
| <i>The Transferor and the Transferee must execute this Transfer as a deed using the appropriate form of execution, and by doing so agree to the terms of this transfer including any additional provisions stated herein.</i> |                                     |
| Execution by the Transferor(s)                                                                                                                                                                                                |                                     |
|                                                                                                                                                                                                                               | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                               | <i>[Sign &amp; Print Name Here]</i> |
| Execution by the Transferee(s)                                                                                                                                                                                                |                                     |
|                                                                                                                                                                                                                               | <i>[Sign or Seal Here]</i>          |
| Witnessed By                                                                                                                                                                                                                  |                                     |
|                                                                                                                                                                                                                               | <i>[Sign &amp; Print Name Here]</i> |
| DATE OF EXECUTION                                                                                                                                                                                                             |                                     |
|                                                                                                                                                                                                                               | <i>[DD/MM/YYYY]</i>                 |



## LAND TITLE REGISTRATION RULES 2018

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LAND TITLE REGISTRY OFFICE

**ADDITIONAL PROVISIONS**

*(State any easements, covenants, restrictions, notices, or other matters for entry on the register)*  
*(Please use Form CS to continue if necessary and attach to this form)*

**STAMP DUTY TO BE AFFIXED HERE**

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FORM R21

## LAND TITLE REGISTRATION RULES 2018

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Made this 22nd day of June 2018

Minister of Public Works

[Operative Date: 02 July 2018]