



**BERMUDA  
1786 : 8**

**MORTGAGE REGISTRATION ACT 1786**

ARRANGEMENT OF SECTIONS

- 1 Memorandum of mortgage must be deposited in office of Registrar-General; priorities
- 2 Registrar-General to record memorandum
- 3 Charges on property of company other than land in Bermuda not registrable
- 4 Interpretation

[10 May 1786]

*[preamble and words of enactment omitted]*

**Memorandum of mortgage must be deposited in office of Registrar-General; priorities**

1 (1) All persons holding mortgages or other conditional conveyances of property which shall be made and executed by any person or persons in respect of any property situate in Bermuda shall deposit for registration in the office of the Registrar General a memorandum containing the following particulars—

- (a) the names of the mortgagor and mortgagee;
- (b) the date of such mortgage or conditional conveyance;
- (c) the particular property mortgaged or conditionally conveyed; and
- (d) the sum secured thereby.

(2) In case any person holding any such mortgage or other conditional conveyance omits or neglects to comply with the directions contained in subsection (1), then any person who accepts or takes any

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subsequent mortgage or conditional conveyance on the same property, and first deposits for registration in the office of the Registrar General a memorandum setting out the particulars of such subsequent mortgage or conditional conveyance, in such manner as is in subsection (1) directed, shall be deemed to be the first mortgagee of such property, and may recover the sum or sums of money secured by such subsequent mortgage, in the Supreme Court, in the same manner as though such property had been first conditionally conveyed to him.

(3) All other mortgages or other conditional conveyances of property shall take place, and their validity shall be ascertained and determined in such regular succession as they are deposited for registration in the office of the Registrar General in the manner in subsection (1) directed.

### **Registrar-General to record memorandum**

2 The Registrar General shall record and register any memorandum of the substance of a mortgage duly deposited in his office in accordance with section 1 in the manner provided by, and subject to the provisions of, the Registrar General (Recording of Documents) Act 1955 [*title 28 item 2*].

### **Charges on property of company other than land in Bermuda not registrable**

3 Notwithstanding section 1, no charge on the property of a company other than a charge on the land of a company situate in Bermuda shall be registrable under this Act.

### **Interpretation**

4 For the purposes of this Act —

"company" includes an overseas company;

"overseas company" has the meaning assigned to it in the Companies Act 1981 [*title 17 item 5*]

[*section 4 inserted by 1992:51 effective 1 July 1992*]

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[*Amended by*

1951 : 93  
1952 : 11  
1955 : 35  
1961 : 152  
1984 : 36  
1992 : 51]