
Part 4 : ISSUE OF TITLES

1 Application for:

- a) **New Certificates of Title**
- b) **Registration of Strata Title Plan & Issue of Subsidiary Strata Certificates of Title**

1.1 Application for new Certificates of Title pursuant to subdivision or amalgamation of land

Every application for new certificates of title shall be made for **all plots** shown in an approved subdivision plan (including any plot to be vested in Government).

1.2 Strata Developments Application for new Certificates of Title and Application for Strata Titles

- a) Where strata titles are required for a development on land which has been subdivided into a lot/s for common property and a lot/s for vesting in Government, the following documents are required to be filed:
 - i) application for new certificates of title; and
 - ii) application to register Strata Title Plan (STP) and issue of subsidiary strata certificates of title.

Note:(1) Please check to ensure that all the STP details are in order, eg:

- Land lot details.
- Strata lots and share values.
Strata lots as shown on the STP should be in running order, eg Strata Lots MK25-U1000A to MK25-U1040K.
- Aggregate share value.

(2) Please state the development name, if any, in the last column of the Description of Land panel in the Strata Application. The development name is required so that a member of the public can make a search of the Strata Title Plan by using the development name as a search key.

- b) The Registrar will now waive the fee for the deposit of the CT issued for common property [Regulation 13(4)(f), Land Titles (Strata) Regulations].

1.3 **Certified Plan (CP) for new Certificates of Title**

Applications for new certificates of title and issue of subsidiary strata certificates of title will be **rejected** if the CP Plans have not been approved by the Chief Surveyor.

Note: Please verify:

- (i) with the developer's registered surveyor; or
- (ii) from the Lot Base System,

if the plans have been approved by the Chief Surveyor.

1.4 **Discharge of Paramount Mortgage (Total or Partial) at the time of issue of Certificates of Title for the subdivided units/lots**

- a) Under rule 11 of the Housing Developers (Project Account) Rules [1990 Edition], a licensed housing developer shall upon payment of the instalment payable upon the grant of the Temporary Occupation Permit, redeem the mortgage for a unit. There have been a number of cases where developers apply for the issue of new certificates of title without discharging the developer's mortgage, either partially or totally. Shortly after the issue of the new certificates of title (with the developer's mortgage notified therein), the partial discharges of mortgage are lodged.
- b) To save time and costs, solicitors for developers are requested to lodge the total or partial discharges of mortgage when the developer applies for the new certificates of title for the subdivided units. This cuts down on unnecessary registration work and saves on the cost for registering the separate partial discharges of mortgage.

1.5 **Applications by Mortgagee or Chargee for new Certificates of Title Section 32 of the Land Titles Act & Rule 29 of the Land Titles Rules**

A mortgagee or chargee of land can apply for new certificates of title for subdivided land in the following instances:

- (i) Where a mortgagor or chargor is in default; or
- (ii) Where the mortgagor consents.

Note: For both cases, where the applicant mortgagee/chargee is not the first mortgagee/chargee, consent of the prior mortgagee or chargee is required to be endorsed on the application.

1.6 **Rule 21 of the Land Titles Rules 1994**

Rule 21 of the Land Titles Rules 1994 provides that where there are:

- (i) two or more lots comprised in a certificate of title; or
- (ii) the lot comprised in the certificate of title has been subdivided,

no instrument involving a transfer of ownership of any lot in paragraph (i) or any subdivided part of the lot referred to in paragraph (ii) shall be accepted for registration unless separate certificates of title have been issued for the lot or subdivided plot.

1.7 **Section 99 – Creation of Implied Easements Deposit of Approved Plan for Subdivision**

- a) Under the former law and practice when a developer of a housing estate involving, eg terrace houses, semi-detached houses and bungalows, transferred the title to these houses, he would grant to each buyer the necessary easement rights, eg right of way over estate roads, connections to septic tanks and create party wall rights as between terrace and semi-detached houses.
- b) Section 99 of the Land Titles Act 1993 provides for the creation of implied easements of right of way and other rights shown in an approved subdivision plan.
- c) Once the Chief Planner has approved the subdivision plan for a development involving the creation of easements and the approved subdivision plan is lodged with the Registry, the easements relevant for that development shall be implied and created without any notification on the land-register for the dominant and servient lots.
- d) Where the subdivision approval for the land is given before 1 March 1994, implied easements will not be created under paragraph (c), unless evidence has been given to the Registrar that no transfer of any lot in the estate to a buyer with easements expressly created in the instrument has been executed and delivered to a buyer.
- e) Developers are to use the approved form 43 when lodging the approved subdivision plan. The forms and the approved subdivision plans are filed in a special register for solicitors to make searches.
- f) Solicitors for developers are urged to file the approved subdivision plan when they file the Application for new Certificates of Title for the subdivided lots. This is necessary as the solicitors for the purchasers will want to ensure that the implied easements have been created under section 99.
- g) To streamline the procedure, the Registry has introduced new forms for filing both the Application for New Certificates of Title and the Approved Subdivision Plan. These forms will be used whenever implied easements are to be created for the estate. The following

forms are available from the Singapore Land Authority's website at www.sla.gov.sg :

- (i) Form 6A : Application for New Certificates of Title and Deposit of Approved Subdivision Plan for Creation of Implied Easements.
- (ii) Form 8A : Application for New Certificates of Title (by Mortgagee/Chargee where Mortgagor has defaulted) and Deposit of Approved Subdivision Plan for Creation of Implied Easements.
- (iii) Form 9A - Application for New Certificates of Title (by Mortgagee/Chargee) and Deposit of Approved Subdivision Plan for Creation of Implied Easements.

Note: The fees payable will be as usual:
\$75.30 per Application for New Certificates of Title and
\$42.30 per Deposit of Approved Plan of Subdivision.

- h) Applications for New Certificates of Title involving the creation of easements will not be accepted if Forms 6A, 8A and 9A are not used. Approved Form 43 for deposit of approved subdivision plan for creation of implied easements may still be used for implied easements (where applicable) for strata developments.

2 Issue of Certificate of Constitution of Management Corporation

2.1 Section 33(4) of the Land Titles (Strata) Act

Under section 33(4) of the Land Titles (Strata) Act, the Registrar may issue a Certificate of Constitution of Management Corporation (CMC) to a management corporation upon payment of the \$10 fee.

2.2 Procedure for Issue of CMC

- a) The Registry will issue the CMC upon registration of the Strata Title Plan and issue of the Subsidiary Strata Certificates of Title for the development. The fee of \$10 for the CMC will be collected when the Application for Registration of Strata Title Plan and Issue of Subsidiary Strata Certificates of Title are lodged. The CMC will be delivered together with the Subsidiary Strata Certificates of Title unless the Registry is otherwise directed.
- b) This will obviate the need for a management corporation to apply for a CMC separately after the issue of the Subsidiary Strata Certificates of Title for the development.
- c) No CMC will be issued when a Strata Title Plan for redevelopment is registered.
- d) Notwithstanding this procedure, members of the public may continue to apply to the Registry for issue of a CMC.

3 **Application for Replacement CT/SSCT/SCT pursuant to Section 43 of the Land Titles Act**

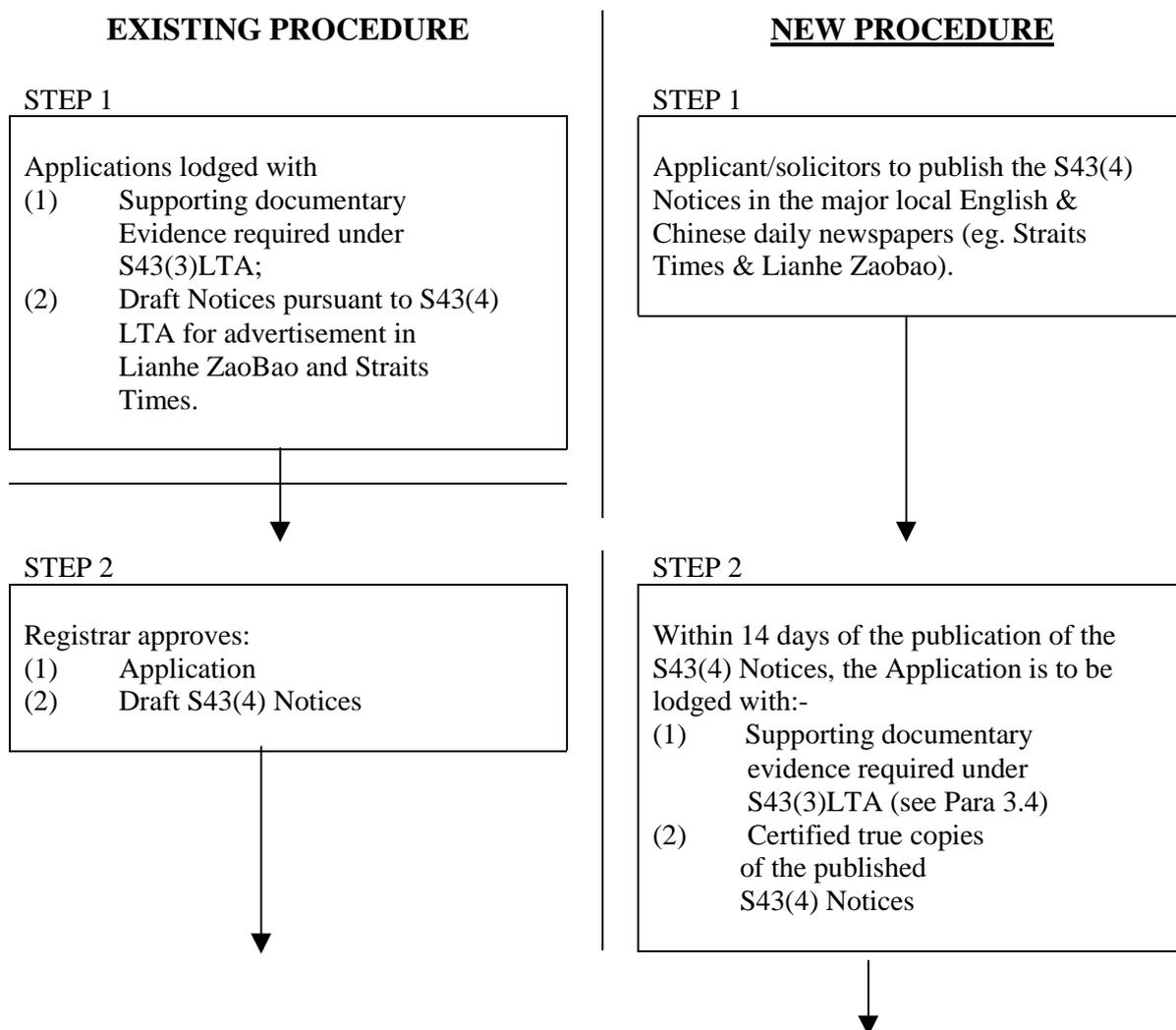
3.1 Effective 1 December 2000, the Registry introduced a new expedited procedure for the issue of:

- (a) Replacement Certificate of Title (CT), Subsidiary Strata Certificate of Title (SSCT) and Subsidiary Certificate of Title (SCT);
- (b) CT or SCT for a private leasehold estate comprised in a Lease; and
- (c) SCT for a leasehold estate in a Housing and Development Board (HDB) flat or shop comprised in a Lease.

3.2 The new procedure should result in a much faster turn-around time for the issue of the above title documents.

3.3 The new procedure (and existing procedure) are set out below:

- a) **Application for Replacement CT/SSCT/SCT pursuant to section 43 of the Land Titles Act**



STEP 3

Registrar informs Applicant/solicitors
That the Draft S43(4) Notices are in
Order for publication in the newspapers.



STEP 4

S43(4) Notices are published



STEP 5

Original copies of the published Notices
Are forwarded to the Registrar for
Verification



STEP 6

Registry checks that the published
Notices are in order.
If not in order, Registry informs
Applicant/solicitors to publish a
Corrigendum.



STEP 7

If published Notices are in order and
No valid objections are received within
14 days from date of publication, the
Registry will:-
(1) issue the Replacement CT/
SSCT/SCT; and
(2) enter the appropriate notification
In the land-register.

STEP 3

If Application is in order and no valid
written objections are received by
the Registrar within 14 days of the date
of publication of the S43(4) Notice,
the Registrar will:

- (1) issue the Replacement
CT/SSCT/SCT; and
- (2) enter the appropriate
notification in the land-register.

Note: Under the new procedure, the
Registrar will not be verifying the
contents of the S43(4) Notices. Instead,
applicants/solicitors will be required to
certify.

- (a) that the correct Notices in accordance
with the approved forms have been
duly published in the Straits Times and
the Lianhe Zaobao; and
- (b) the date of the publication of the
Notices

**The new approved forms and sample
notices are available from the Singapore
Land Authority's website at**

www.sla.gov.sg

b) **Application to issue a CT or SCT for a private leasehold estate comprised in a Lease (pursuant to Section 29(3) of the Land Titles Act or Section 122 of the Land Titles (Strata) Act).**

These are applications made where the duplicate Lease has been lost / misplaced / destroyed or wrongfully withheld and the proprietor needs to have a CT/SCT issued in its place.

The new procedure as set out in paragraph (a) will apply. As a new CT/SCT will be issued by the Registrar to replace a Lease which the applicant is claiming has been lost / misplaced / destroyed or wrongfully withheld, section 43(4) notices are required to be advertised before the applications are made.

c) **Application to issue a SCT for a leasehold estate in a HDB flat or shop comprised in a Lease**

The new procedure in paragraph (a) will also apply to all applications for the issuance of SCTs to replace duplicate Leases for shops and flats sold by HDB (including an application for the issuance of a SCT to replace a duplicate Lease which is being improperly or wrongfully withheld).

The only exception would be in the case where the duplicate Lease for a flat sold under Part 4 of the Housing and Development Act has been lost / destroyed. In such cases, the applicant/solicitors need only lodge the Application together with supporting documentary evidence required under section 43(3) of the Land Titles Act. They will not be required to advertise the section 43(4) notices in the major local English and Chinese newspapers.

The Registrar will dispense with the annexing of plans to the SCT. This new procedure will result in a much faster turnaround time for issue of the SCT.

3.4 Applications for replacement CT/SSCT/SCT where the Title Document was lost should be supported by a Statutory Declaration [Section 43(3) Land Titles Act]

The Statutory Declaration should be made by:

- (a) All the owner/s recounting the events or circumstances leading to the loss etc. The Statutory Declaration can be made jointly or separately;
- (b) The person who is entitled to possession of the Title Document.

Note: This includes a mortgagee or a chargee. Where there is a CPF Charge and a mortgage or 2 mortgages each in favour of a different mortgagee, the chargee / mortgagee entitled to possession of the Title Document must provide a Statutory Declaration. The Statutory Declaration is required even where another declarant states that the Title Document was never handed over to the Chargee or Mortgagee or that the latter had handed the Title Document to someone else. The Statutory Declaration should be made by an authorised and responsible officer of the mortgagee or chargee; and

- (c) Any other person who handled the Title Document after it was collected from the Registry. This may include a solicitor, a law firm's representative, etc.

Note: The Statutory Declaration should include a statement by the declarant that to the best of his information, knowledge and belief, the Title Document has not been deposited with anyone as security for a loan or otherwise.

A sample form of a Statutory Declaration can be found at Annex 4A.

The approved forms are available on-line from the Singapore Land Authority's website at www.sla.gov.sg.

STATUTORY DECLARATION

I, _____ solemnly and sincerely declare as follows: -

1 IF REGISTERED PROPRIETOR:

*I am the registered owner of the property known as _____ (hereinafter called “the property”) on _____ (to set out lot number and survey district number) comprised in *SSCT/CT/SCT Volume _____ Folio _____.

IF FINANCIAL INSTITUTION/CPF BOARD:

*I am an officer of _____ and have been duly authorised to affirm this Statutory Declaration.

2. MATERIAL FACTS RELATING TO THE TITLE DOCUMENT:

*(State for example: Who is entitled to possession of the title document, Whether / when the title document was released to the declarant / other party.)

3. TITLE DOCUMENT HAS BEEN LOST / DESTROYED / WRONGFULLY WITHHELD:

*(State the events leading to the discovery of the loss of the SSCT/CT/ SCT/Duplicate Lease and the efforts made to search for it.)

*(State the events leading to the destruction of the SSCT/CT/SCT/Duplicate Lease.)

*(State the events leading to the wrongful withholding of the SSCT/CT/SCT/ Duplicate Lease by another party)

4. NON - HYPOTHECATION CLAUSE:

*(State that to the best of the declarant’s information, knowledge and belief, the SSCT/CT/SCT/Duplicate Lease has not been deposited with anyone as security for a loan or otherwise.)

And I make this solemn dclaration by virtue of the provisions of the Oaths and Declarations Act (Cap.211), and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DECLARED at Singapore)
by _____ this)
_____ day of _____)

Before me,
A Commissioner for Oaths

*To declare accordingly where applicable