
Part 3 : LODGMENT AND REGISTRATION OF DOCUMENTS

1 Procedure for Lodgment/Acceptance/Rejection of documents

1.1 Procedure for instruments excluding Caveats and CPF Charges which are lodged together with Caveats

Rule 55 - Land Titles Rules 1994

a) Acceptance of documents without preliminary checking

On payment of the fees, the Registry will accept instruments (excluding caveats and CPF charges lodged with caveats) without preliminary checking.

b) Time period for Notification of Objection

If the instruments are not acceptable for registration, the Registry will inform solicitors within 3 working days of the date of lodgment or earlier, depending on the volume of instruments lodged and the percentage of defective instruments.

c) Notification of Objection

The decision of the Registrar on any unacceptable instrument will be sent by gfax to the law firm lodging the instruments.

d) Rectification of Objection

In the objection notice, solicitors may be requested to:

- i) amend the instrument;
- ii) forward supporting or duplicate documents; or
- iii) withdraw the instrument from registration should the instrument be unacceptable for registration.

Note: Should the lodging firm decide to withdraw any instrument and the withdrawal is acceptable to the Registrar, there will be no refund of fees.

e) **Additional fee payable under Rule 55 of the Land Titles Rules 1994**

An additional fee is chargeable if the Registrar is of the opinion that an instrument lodged for registration or notification is not in order for registration because:

- i) an amendment or rectification to the instrument is required.

[The additional fee payable for any instrument which is not in order for registration or notification shall be the same amount as the fee payable for that instrument]; or

- ii) the duplicate certificate of title or other supporting document or Production/Authorisation forms, required for the registration or notification of the instrument was not produced at the time of lodgement.

[The additional fee is the fee for the first instrument in the set for which production of the supporting document is required. This fee will be charged only once].

Note: If the duplicate certificate of title/document has been lodged in connection with an earlier set of instruments at the Land Registry, solicitors are requested to attach a letter (stating the instrument number to which the duplicate certificate of title/document is attached) to the later set of instruments presented for registration. If the earlier set was lodged by a different firm, an Authorisation Form from that firm is also required.

f) **Objections raised after 3 working days of the day of lodgment**

Should the Registry subsequently raise any objection on an instrument and although the objection is substantial, the matter will be dealt with without any additional fees imposed except where the instrument or set of instruments cannot be amended at all and fresh instruments have to be lodged.

g) **Additional fee to be paid by solicitors**

Rule 55(2) of the Land Titles Rules 1994 provides that the additional fee is to be borne by the solicitors.

1.2 **Procedure for Caveats, Withdrawals of Caveats, CPF Charges and Discharges (lodged with Caveats)**

Rule 55 - Land Titles Rules 1994

a) **Checking of Caveats etc**

On payment of the fees, the Land Registry will check the caveats, withdrawals of caveats, CPF charges and discharges (lodged with caveats) and if in order will accept them.

b) **Time period for Notification of Objection**

If the document is not acceptable for notification, the Registry will inform solicitors **on the same day of lodgment**.

c) **Notification of Objection**

A copy of the objection notice and the document will be returned to the law firm's representative.

d) **No refund of fees**

There will be no refund of the registration fee if a document is rejected. When the amended document is re-lodged, fresh registration fees must be paid.

e) **Statement to Withdraw or Authorisation to Registrar to proceed with notification of other documents in the set**

Where there are 2 or more documents in a set, the solicitor is required to state on the Lodgment Form at the time of lodgment whether in the event that any one of the documents is not in order and is to be rejected, he wishes:

- (i) to withdraw all the documents in the entire set from notification (in which case no fees will be refunded); or
- (ii) the Registrar to notify the other documents in the set which are in order.

Note: Solicitors are requested to state their option on the lodgement form. Where there is no statement by the solicitor, the Registry shall assume that (ii) applies and shall notify the other documents which are in order.

f) **Additional fee to be paid by solicitors**

Rule 55(3) of the Land Titles Rules 1994 provides that the fee payable upon the re-lodgement of the document is to be borne by the solicitor.

g) **Omission to Raise Other Grounds of Objection**

If when rejecting a document on a ground of objection, the Registry does not also raise other grounds of objection, the lodgment fee will be refunded should the Registry subsequently reject the document on these other grounds. Solicitors are requested to attach a copy of the objection notice to the amended document when it is re-lodged for registration

2 **Collection of rejected Caveats, Withdrawal of Caveats, CPF Charges and Discharges lodged with Caveats**

Caveats, Withdrawals of Caveats and CPF Charges and Discharges lodged with Caveats which are rejected are made available for collection by the lodging firm's representative on the same day of lodgment. However, there are some cases where the documents are not collected. The Registry will keep these rejected documents for 2 months from the date of lodgment, after which they will be destroyed.

3 **Information On Documents Pending Registration**

Information on all documents lodged for registration will be entered into STARS on the same day of lodgment or by 9.00 am on the next working day.

4 **Lodgment of Documents with E-stamping Certificate**

4.1 Every instrument lodged for registration at the Registry, if stamped using the E-Stamping system, shall be attached with the original of the stamp duty certificate issued in accordance with the provisions of the Stamp Duties (Amendment) Act 1999.

4.2 The original of the Stamp Duty Certificate shall be:

- (i) Attached as the first page of the instrument to be lodged;
- (ii) Printed on wide-ruled durable quality paper; and
- (iii) Measure 30 centimetres in length by 21 centimetres in breadth (A4 size);

as they will be microfilmed and imaged subsequent to registration.

5 **Address for service of notice stated in documents filed with the Registry**

5.1 Solicitors are required to state the up-to-date address for service of notice in Singapore for documents lodged at the Registry. In the case of a transfer, this should be an address where the transferee can be reached after the transfer and not his address at the time of the transfer, especially when he will be moving into his new property.

5.2 It is usual for transfers to be lodged together with a CPF Charge and/or a mortgage. The latest address for service of notice should also be stated in the CPF Charge and the mortgage. Section 60(3) of the Land Titles Act states that where a notice is required to be sent it shall be sent to the last recorded address of a proprietor or a caveator. In this case, where there are 3 documents lodged, the same address must be stated in all the documents. Solicitors are requested to take note and update the address of the transferee in all documents especially where the mortgage was executed in escrow.

5.3 The Registry will object in cases where the addresses for service of notice in a set of documents are inconsistent. Rule 55(2) of the Land Titles Rules shall apply accordingly.

6 **Registration of leases and mortgages - Section 52(1)**

Mortgages, charges and leases need not be lodged in duplicate except for a lease comprised in a manual folio.

7 **Issue of Subsidiary Certificate of Title for Leasehold Estate – Section 29(3)**

Upon registration of a lease, a subsidiary certificate of title for the leasehold estate will be issued in favour of the lessee.

Note:

- (a) This applies to leases lodged on or after 1 March 1994. A fee of \$70 for the issue of the subsidiary certificate of title will have to be paid when the lease is lodged.
- (b) In the case of existing leases, subsidiary certificates of title were issued when the leases were brought under STARS (computerised land titles registration system).
- (c) Subsidiary certificates of title will not be issued for HDB flats and HDB shops. The leases will still have to be lodged in duplicate.

8 **Lodgment of Instruments affecting lands comprised in a computerised folio and a manual folio – use of separate forms for computerised and non-computerised land**

Solicitors are reminded of rule 50(1) of the Land Titles Rules. If a transaction eg. a mortgage, affects 2 or more lots and one lot is comprised in a computerised folio while the other is not, there must be a separate form of mortgage for the lots in the computerised folio and another for the lots in the manual folio. These documents must also be lodged using separate lodgment forms.

9 **New Computerised CT generated after registration**

After registration of the documents, the Registry will retain the manual duplicate CT and deliver to the solicitors a computerised CT (on security paper) generated by STARS. Unlike the present manual CT, the computerised CT will show only subsisting encumbrances printed in the order of lodgment. Defunct encumbrances, eg mortgages and CPF Charges which have been discharged and caveats which have been withdrawn, will not be shown.

10 **Technical requirements for identification of land (Requirements for Description of Land and Plans to be annexed to Caveats and Instruments)**

10.1 **Whole Lot**

Documents lodged against whole of a land lot or strata lot for which a certificate of title, a subsidiary strata certificate of title or a subsidiary certificate of title has been issued

DESCRIPTION OF LAND

*CT/SSCT/SCT		MK	Lot No.	Property Address
Volume	Folio			
18	189	9	3636R	Whole Address

10.2 **Developments Launched Prior to 20 August 2001**

- (A) Documents lodged against part of a land lot, being a plot/unit comprised in a certificate of title where no new lot/strata lot has been approved by Chief Surveyor for the flat or unit

Conventional Landed Development

A site plan must be attached with the plot hatched.

DESCRIPTION OF LAND

CT		MK	Part of Lot
Volume	Folio		
927	144	12	2313N

Description of plot/unit details as shown hatched on the plan annexed

Plot: Property Tax Address

Development Name:

Strata Development

A storey plan must be attached with the unit hatched.

In the case of a townhouse, a site plan with the unit hatched should be attached.

DESCRIPTION OF LAND

CT		MK	Part of Lot
Volume	Folio		
252	172	18	4536M

Description of plot/unit details as shown hatched on the plan annexed

Plot: Property Tax Address Development Name:
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Particulars to be shown on plans

- (i) The plot/unit is to be clearly identified and hatched on an A4 size plan.
- (ii) The plot/unit number, block number and development name must be shown.
- (iii) The certification statement in the plan must have:
 - names of parties claiming an interest under the instrument/caveat; and
 - the solicitor's name and signature to authenticate the plan.
- (iv) The certification statement must be endorsed on the plan or the reverse side of the plan and not on a separate sheet of paper.

- (B) Documents lodged against part of a land lot (being a plot/unit) comprised in a certificate of title where a new land lot or strata lot has been approved by the Chief Surveyor for the plot/unit

Conventional Landed Development

The new lot number must be quoted. A plan is not required.

DESCRIPTION OF LAND

CT		MK	Lot No.	Property Address
Volume	Folio			
162	9	27	1216A	Part Lot now known as New Lot MK27-2745X Address:

Strata Development

The strata lot number must be quoted. A plan is not required.

DESCRIPTION OF LAND

CT		MK	Lot No.	Property Address
Volume	Folio			
162	7	27	1521B	Part Lot now known as Strata Lot MK27-U9888X Address:

10.3 Developments Launched On or After 20 August 2001

Application for new lot numbers under section 54A Land Titles Act

- a) Section 54A applies only to new developments that are launched for sale on or after 20 Aug 2001. It does not apply to unsold units in developments that were launched before 20 Aug 2001.
- b) Where there is a sale of part of a land lot being a housing plot or part of a building being a strata unit, the registered proprietor must do either of the following before he enters into a sale and purchase agreement:
 - (i) obtain from the Chief Surveyor a new lot or strata lot number of the housing plot or strata unit; or
 - (ii) deposit with the Registrar a schedule and plan of all the plots / units in the development / building.
- c) For option (i), proprietors are to request their registered surveyors to obtain new lot / strata lot numbers. The Chief Surveyor has outlined the procedure in his Circular 11/2001 dated 23 Aug 2001. The Chief Surveyor has given his assurance that the lot / strata lot numbers will be given generally **within 3 working days of application**.
- d) Upon the allocation and approval of the new lot / strata lot numbers by the Chief Surveyor, solicitors when lodging the following instruments must cite the relevant new lot / strata lot numbers:
 - Caveats
 - Applications to Notify Charges
 - Mortgages
 - Discharges / Withdrawals (Part or Total) of Mortgages, Charges and Caveats.

If not, the instruments may be rejected. No plan is to be attached as the property has been sufficiently identified by the lot / strata lot numbers.

- e) For option (ii), solicitors are required to deposit a schedule and plan of all the plots / units in the development / building by way of a cover letter together with the fee of \$42.30. A sample copy of the schedule is shown at **Annex 3A**. All unit or house numbers in the development assigned by IRAS must be indicated in the schedule. The type of plan (not to exceed A3 paper size), to be attached to the schedule, is as follows:
 - For strata development, a copy of the Building Plan approved by the Building and Construction Authority; and
 - For landed or cluster housing, a copy of the Development Plan approved by URA.

- f) After the schedule and the plan have been deposited with the Registrar, the description of land panel (the last column) in the above-mentioned instruments should state “Schedule and plan identifying the housing plot(s) / strata unit(s) have been deposited with the Registrar pursuant to section 54A of the Land Titles Act”.
- g) Although option (ii) has been provided, we would strongly encourage solicitors to advise their clients to obtain new lot / strata lot numbers instead. This is a superior option. Processing time is also shorter. More importantly, it will facilitate on-line land-register searches and would result in easier and faster registration. It would also bring about faster processing of applications for new certificates of title / subsidiary strata certificates of title.

10.4 **Need to State Up-To-Date Survey Lot Number in Documents**

- (a) **Unregistered land, ie land not yet brought under the Land Titles Act [For all caveats lodged against UNREGISTERED LAND]**

Show the up-to-date (live) lot number approved by the Chief Surveyor.

Note: If the lot number is a “dead lot”, the Registry will reject the caveat if more than 7 working days have passed since the approval of new lot numbers.

- (b) **For all instruments and caveats lodged against REGISTERED LAND**

If the unit or plot affects part of a land lot, please state the up-to-date (live) land lot number or the strata lot number approved by the Chief Surveyor for the plot or unit.

CAUTION

Where the land lot number or strata lot number is not up-to-date and the plan is not sufficiently clear, the Registry will not be able to notify the caveat or the subsisting instrument (usually a mortgage or charge) on the new certificate of title or subsidiary strata certificate of title when issued. The Registry will be able to ascertain and inform the parties affected of the defect in the land description only when the new certificates of title or subsidiary strata certificates of title are in the course of being issued.

10.5 **Land brought under the Land Titles Act - First Certificate of Title issued**

The Registry will reject all instruments and caveats which do not show the volume and folio of the first certificate of title issued on conversion of the land lot from the Registration of Deeds System to the Land Titles Registration System.

10.6 New Certificate of Title or New Subsidiary Strata Certificate of Title. Up-to-Date Volume and Folio - LBS Search Before Lodgment is Advisable

Instruments and caveats will be rejected if the up-to-date volume and folio is not shown. This will usually be a case where the land/strata lot has undergone a subdivision and/or amalgamation and new certificates of title or subsidiary strata certificates of title have been issued.

Note: For the time being until further notice, the Registry will allow instruments and caveats to be lodged showing a volume and folio which existed not more than 7 working days immediately prior to the date of lodgment.

Solicitors are requested to make searches of the Lot Base System to update their searches before lodging documents.

11 Requirements of the Residential Property Act

Information and Certifications required pursuant to:

- Section 19 of the Residential Property Act; and
- Rule 9 of the Land Titles Rules 1994; &
- Rule 29 of the Registration of Deeds Rules 1994

11.1 Definition of “Transfer”

“Transfer” includes a conveyance, sale, assignment, settlement, declaration of trust, assent, disposition of whatever nature, the vesting of any estate or interest in residential property by an instrument or under a vesting order of court and every instrument capable of vesting any estate or interest in residential property upon registration of such instrument by the Registrar, but does not include a mortgage, charge or reconveyance.”

11.2 Information and forms of certification required for every ‘transfer’ of land

(a) Information to be Provided

Every ‘transfer’ is required to show:

(i) Transfer to a Natural Person

- Citizenship status of the person acquiring an estate or interest in land.
- NRIC number or other documentary evidence, eg birth certificate and citizenship certificate, if the person is a Singapore citizen.

- ❑ NRIC number/Unique Identification Number or Foreigner Identification Number/Passport number, if the person is not a Singapore citizen.
- ❑ Permanent resident status, if the person is not a Singapore citizen.

(ii) **Transfer to a Corporation**

- ❑ Place of incorporation.
- ❑ Registration number, if any, assigned by the Registrar of Companies.

(iii) **Unincorporated Body (where property is held in trust for an Unincorporated Body)**

- ❑ Place of formation.
- ❑ Registration number assigned by the relevant government authority in Singapore, eg the Registrar of Societies.

(b) **Form of Certificate for:**

- (i) Natural Persons; and**
- (ii) Corporations/Unincorporated Body to be given by Solicitor**

“I,, the solicitor for hereby certify that:

Natural Person

* the Citizenship and other particulars of the transferee; or

Corporation

* the place of incorporation and registration number allocated by the Registrar of Companies to the transferee; or

Unincorporated Body

* the place of formation and registration number assigned by
..... (name of unincorporated body),

as above mentioned specified in the within instrument have been verified from the (to state nature of relevant documents examined) produced and shown to me, and are found to be correct.

Signature of Solicitor

*To select that which is applicable

11.3 **Procedure when a “Singapore company” (as defined in the Residential Property Act, Cap 274) has been given clearance in writing by the Controller of Residential Property to purchase or acquire any “residential property” pursuant to section 10 of the Residential Property Act**

Every transfer made in favour of a “Singapore company” shall be lodged together with the following documents:

- (i) a photocopy of the Clearance Certificate issued to the “Singapore company” by the Controller of Residential Property;
- (ii) if any member of the “Singapore company” is another “Singapore company”, a photocopy of the Clearance Certificate issued to that member-company; and
- (iii) a statutory declaration by a director/secretary of the company as outlined in paragraph 11.4.

11.4 **Form of Certificate for a “transfer” in favour of a Singapore company issued with a Clearance Certificate**

A director/secretary of the “Singapore company” is required to make a statutory declaration as follows:

- (a) In the case of a “Singapore company” **whose memorandum and articles of association restrict its membership and directorship only to Singapore citizens:**

“I,, Director/Secretary of (name of company) hereby do solemnly and sincerely declare that all members and all directors of the above company are Singapore citizens as at (date of transfer).

And I make this solemn declaration 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
the abovenamed
this day of

Before me,

Commissioner of Oaths



(b) **In the case of a “Singapore company” whose memorandum and articles of association restrict its membership only to citizens of Singapore and/or Singapore companies within the meaning of the Residential Property Act**

(A) Where the “Singapore company” has admitted one or more Singapore companies already given clearance by the Controller of Residential Property as members of the said “Singapore company”:

FORM [A]

“I, Director/Secretary of (name of company) hereby do solemnly and sincerely declare that as at (date of transfer) all members of the above company are:

- (1) Singapore citizens; and
- (2) Singapore company/Singapore companies* as defined in the Residential Property Act, the full particulars of which are as follows:
 - (a)(i) Name of company;
 - (ii) Address;
 - (iii) Registration number allocated by the Registrar of Companies; and
 - (iv) Clearance Certificate ref issued on (date).
- (b) (Particulars of member-companies, if more than one) as at (date of transfer).

I also solemnly and sincerely declare that all the directors of (name of company which is the purchaser/transferee) are Singapore citizens as at (date of transfer).

And I make this solemn declaration 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
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Before me,

Commissioner of Oaths

Note: A director/secretary of every member company is also required to make a statutory declaration providing particulars of the citizenship of all

its members and directors in accordance with Form A or B as the case may be.

(B) Where the “Singapore company” has not admitted any company as a member:

FORM [B]

“I,, Director/Secretary* of (name of company) hereby do solemnly and sincerely declare that all members of the above company are only Singapore citizens, and that although provisions have been made in its Memorandum or Articles of Association for Singapore companies, as defined therein, to be members of the company, the membership of the company does not include any such Singapore companies as at (date of transfer).

I also solemnly and sincerely declare that all the directors of (name of company which is the purchaser/transferee) are Singapore citizens as at (date of transfer).

And I make this solemn declaration 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
the abovenamed
this day of

Before me,

Commissioner of Oaths



11.5 Procedure when a “Singapore society” (as defined in the Residential Property Act) has been given clearance by the Controller of Residential Property to purchase or acquire any “residential property” pursuant to section 16 of the Residential Property Act

Every transfer made in favour of a “Singapore society” shall be lodged together with the following documents:

- (a) A photocopy of the Clearance Certificate issued to the “Singapore society” by the Controller of Residential Property; and
- (b) A Statutory Declaration by the managing trustee of the “Singapore society” as follows:

“I,, Managing Trustee of (name of society) hereby do solemnly and sincerely declare that:

- (1) all members of the society are Singapore citizens; and
- (2) all trustees of the society are either Singapore citizens or trust companies registered under the Trust Companies Act.

And I make this solemn declaration 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
the abovenamed
this day of

Before me,

Commissioner of Oaths



11.6 “Transfer” of “restricted” residential property, eg vacant land, landed residential property or flat in a building of less than 6 levels in favour of a foreign person

Every transfer shall be lodged together with a copy of the approval letter issued to the foreign person by the Controller of Residential Property.

11.7 Form of Certificate for an Intermediate Purchaser

(a) Information to be Provided

Where a “transfer” of a “restricted” residential property, eg **vacant land, landed residential property or flat in a building of less than 6 levels**, involves an intermediate purchaser, the following particulars of the intermediate purchaser are to be included in the transfer and certified:

(i) If the Intermediate Purchaser is a Natural Person

- Full name;
- Address in Singapore;
- Citizenship and NRIC/Passport number.
- The solicitor acting for the intermediate purchaser is to certify the citizenship status and other particulars of the purchaser using the form in paragraph 11.2(b)
- If the intermediate purchaser is not a Singapore citizen, a photocopy of the letter of approval issued by the Controller of Residential Property is to be attached to the transfer to show that the intermediate purchaser has been granted approval to purchase or acquire the residential property prior to his divesting of the said property by sale or gift to another person (including any body, corporate or otherwise).

(ii) If the Intermediate Purchaser is a Corporation

Particulars to be stated in Transfer

- Full name;
- Address in Singapore (place of business);
- Place of incorporation;
- Registration number assigned by the Registrar of Companies; and
- The solicitor acting for the intermediate purchaser is to certify the place of incorporation and registration number allocated by the Registrar of Companies, using the form in paragraph 11.2(b)

(b) **Documents to be Produced**

If the intermediate purchaser is a Singapore company, to produce the documents listed in paragraph 11.3.

OR

If the intermediate purchaser is a foreign company, a photocopy of the approval letter issued by the Controller of Residential Property shall be attached to the transfer so as to show that the foreign company has been granted approval to purchase or acquire the residential property prior to its divesting of the said property to another person (including any body, corporate or otherwise).

11.8 **Forms of Certificate for Properties Granted Exemption from the Provisions of the Residential Property Act**

(a) **Property purchased before 11 September 1973**

The form of certificate to be given by the solicitor acting for a foreign person purchasing or acquiring the property is as follows:

“I,, the solicitor for (the Transferee) hereby certify that the within land has been purchased under an Agreement/Memorandum made on (a date before 11 September 1973) between (name of parties) or pursuant to an option exercised on (a date before 11 September 1973).

Signature of Solicitor.”

(b) **Purchaser of a property approved on a permanent basis for a specific use that clearly falls within the category of commercial/industrial use**

“I,, the solicitor for (the Transferee) hereby certify that according to the information supplied to me by the Chief Planner within the last 8 weeks (ie 8 weeks immediately preceding the date of the instrument on which the certificate is endorsed or to which the certificate is attached), the within land is zoned as and the within land/property* is for commercial/industrial* use and the specific use approved is (to state the approved use as shown in the reply to the legal requisitions).

Signature of Solicitor.”

Alternative form

“I,, the solicitor for (the Transferee) hereby certify that:

- (i) according to information supplied to me within the period of 8 weeks immediately *before/after the date of *exercising the option/*the date of the agreement for sale and purchaser under which *option/agreement the Transferee has agreed to purchase the within *land/property, the within land is zoned and the within *land/property is for *commercial/industrial use and the specific use approved is (to state specifically the approved use as shown in the reply to the legal requisitions); and
- (ii) the Transferee has confirmed in writing to me that he has not requested by himself or through his agent or has claimed under the vendor/owner of the within land by an application filed with the Chief Planner for a change of the zone or the approved use (commercial/industrial) to “residential” use within the meaning of the Residential Property Act.

Signature of Solicitor.”

Brief Explanatory Note

This alternative form of certificate is to be provided by solicitors for the transferee for use in respect of sale and purchase transactions made for either:

- (a) completed buildings or developments; or
- (b) buildings/developments under construction,

and the completion date may be several years after the date of the exercise of the relevant options or agreements.

Note: The additional paragraph (ii) in the alternative form is to ensure as far as possible that whatever a member of a law firm has certified is correct and will not be in contravention (unwittingly or otherwise) of section 28 of the Residential Property Act.

11.9 Purchase or acquisition of a flat/apartment in a building of 6 levels or more including the ground level and any level below the ground

“I,, the solicitor for (the Transferee) hereby certify that the within premises is a flat or apartment within a building of not less than 6 levels (including the ground level and any level below the ground).

Signature of Solicitor”

11.10 Purchase or acquisition of a property declared to be a “non-residential property” under the Residential Property Notification 1999 dated 22 Jan 1999

“I,, the solicitor for (the Transferee) hereby certify that the within land is a non-residential property as declared in the Residential Property Notification 1999. The land is zoned as and the approved specific use of the land/property is for (to state the approved specific use).

Signature of Solicitor”

Note: In doubtful cases, solicitors may write to the Controller of Residential Property for clarification enclosing a copy of the Chief Planner’s reply to the legal requisitions made for that property.

12 Exemption of HDB Shophouses from the Residential Property Act (“RPA”)

12.1 With effect from 1 February 2000, an HDB shophouse which has been sold or leased by the Housing and Development Board under section 24 of the Housing and Development Act (Cap 129) and is –

- (i) approved by the competent authority under the Planning Act (Cap. 232) for use as a shop or other commercial establishment and as a dwelling house; and
- (ii) which is not subdivided into two or more strata units,

regardless of whether it is situated in an area whose zoning is considered “residential” or “non-residential”, is exempted from the provisions of the RPA under section 32(1). Please see Gazette Notification No. S32 dated 24 January 2000.

12.2 Foreign persons and companies wishing to purchase such a property will no longer have to apply for approval under the RPA.

13 **Additional Information Required to be Stated in Caveats Lodged under the Land Titles Act**

Section 115(1) of the Land Titles Act and rule 9 of the Land Titles Rules 1994

Caveats lodged by purchasers/sub-purchasers are required to show the following information:

- (i) The purchase price.
- (ii) The date of the contract/when the option was exercised.
- (iii) If the caveator is a natural person, the caveat must also show:
 - Citizenship status;
 - NRIC number/Unique Identification Number (UIN)/ Foreigner Identification Number (FIN), Passport Number; and
 - Permanent resident status if the caveator is not a Singapore citizen.
- (iv) If the caveator is a body corporate, the caveat must also show:
 - Place of incorporation; and
 - Registration number, if any, assigned by the Registrar of Companies.

14 **Certificates under Section 59 of the Land Titles Act**

The certificates shall be as follows:

- 14.1 In cases where a solicitor is engaged, he is required to give the following certificate:

CERTIFICATE OF CORRECTNESS

I, the Solicitor for the _____, hereby certify that this instrument is correct for the purposes of the Land Titles Act and that I hold a practising certificate which is in force as at the date of the instrument.

Name and Signature of Solicitor

- 14.2 In cases where a solicitor is engaged and there is an execution by an Attorney pursuant to a Power of Attorney, the solicitor is only required to give the Certificate of Correctness as stated in (a) above. By virtue of section 59(3A), it is implied in the said certificate that the solicitor has made implied representations that the Attorney has authority to act. Neither the solicitor nor the Attorney is required to give the additional Certificate of Attorney's Authority to Act.

- 14.3 In cases where no solicitor is engaged and there is an execution by an Attorney pursuant to a Power of Attorney, the Attorney is required to give separate certificates:

CERTIFICATE OF CORRECTNESS

*I, the Attorney appointed under *Power of Attorney No. ___ of _____, executing on behalf of _____, hereby certify that this instrument is correct for the purposes of the Land Titles Act.*

Name and Signature of Attorney.

To state the Power of Attorney number assigned by the Registry / of the Supreme Court

"CERTIFICATE OF ATTORNEY'S AUTHORITY TO ACT"

*I, the Attorney appointed under *Power of Attorney No. ___ of _____, executing on behalf of _____, hereby certify that I have the powers given under the Power of Attorney to execute this instrument and that the powers are still valid as at the date of the execution of this instrument.*

Name and Signature of Attorney".

**To state the Power of Attorney number assigned by the Registry of the Supreme Court*

The purpose of the Certificate of Attorney's Authority to Act is to draw the attention of the Attorney (who may not be a practising solicitor) to the importance of ensuring that he has the necessary authority to act for and on behalf of the donor of the Power of Attorney.

15 **Dispensation of the forwarding of Powers of Attorney for inspection or for permanent record under section 147**

Consequent upon the introduction of section 59(3A) of the Act and in reliance on the Certificate of Correctness given by the relevant parties or solicitors, the Registrar will no longer require Powers of Attorney to be forwarded for inspection or permanent record under section 147(3)(b).

Nonetheless, solicitors are reminded that they are still required to:

- (a) Deposit Powers of Attorney with the Registry of the Supreme Court in accordance with section 147(3)(a); and
- (b) State the registration numbers assigned by the Registry of the Supreme Court for Powers of Attorney in the execution clause.

16 **Changes to the Execution Clause of Attorneys in documents**

The Registrar will only require the registration number (as assigned by the Registry of the Supreme Court) of the relevant Power of Attorney to be stated in the execution clause of the Attorney.

A specimen execution clause is given below:

“Signed by ___ by its Attorney ___ acting under a Power of Attorney registered in the Registry, Supreme Court as No. _____ of _____.”

The date of deposit and the date of the Power of Attorney is now optional at the solicitor's discretion.

17 **Dispensation with the Need for a Witness to the Execution Clause for Certain Instruments**

The Registrar will dispense with the requirement of a witness to the execution clause for the following instruments:

- Caveat
- Withdrawal of Caveat
- Partial Withdrawal of Caveat
- Extension of Caveat
- Partial Extension of Caveat
- Writ of Execution or Order of Court
- Withdrawal of Writ of Execution or Order of Court
- Cancellation of Writ of Execution

18 **Copy of Supporting Documents**

For registration of instruments where supporting documents such as deed poll, death certificate or orders of court are required to be forwarded, the solicitor will only need to forward a copy of such supporting documents, certified true by a solicitor.

19 **Production/Authorisation Form**

19.1 **Production Form**

(a) **Rule 23 of the Land Titles Rules**

Where a duplicate Certificate of Title or duplicate lease is produced for the registration of an instrument by some person other than the first mortgagee or chargee ie. the person entitled to the custody of the title document, a production form, signed by the mortgagee / chargee or his solicitor, consenting to the use of the title document for the registration of that instrument is required to be produced at the time when that instrument is lodged.

(b) **Production Form from CPF Board**

This procedure also applies to cases where the CPF Board has a first charge on the property.

Example:

- (i) When a subsequent mortgage is presented for registration, the lodging solicitor is required to furnish a Production Form from the CPF Board or its solicitors.
- (ii) When a total discharge of a subsequent mortgage is presented for registration, the solicitor lodging the total discharge of mortgage is required to furnish a Production Form from the CPF Board or its solicitor.

(c) **Cases where CPF Board lodges a CPF Charge to secure the monies released under the Minimum Sum Scheme**

The Registry does not require that a Production Form be given by a prior mortgagee.

19.2 Authorisation Form

(a) Use and collection of duplicate title documents and supporting documents

Where the duplicate title document or other supporting documents eg. Grant of Probate, are with the Registry –

- (i) pending registration of an earlier set of instruments; or
- (ii) pending collection

and the duplicate title document or other supporting documents are now required for registration of a later set of documents lodged by another law firm, the law firm is required to produce to the Registry an Authorisation Form given by that law firm entitled to collect the duplicate title document or other supporting documents.

(b) Change of law firms

Should there be a change of law firms dealing with the instruments, the new law firm must obtain an authorisation form from the earlier law firm to collect the duplicate title document and other supporting documents.

(c) Change of representative authorised to collect documents

Where a law firm wishes to authorise a different person to collect their documents after final registration, they should forward an Authorisation Form to the Registry.

20 Common Law Mortgages & Charges Notified on the Land Register - Sections 19(10) and 82 to 85

20.1 Section 19(10) provides that where the Registrar issues a certificate of title, any mortgage registered under the Registration of Deeds Act shall when notified on the certificate of title, be deemed to be a registered mortgage under the provisions of the Land Titles Act and the provisions of the Land Titles Act applicable to registered mortgages shall apply to that mortgage.

20.2 With effect from 1 March 1994, a discharge, variation or transfer of an ROD mortgage or a transfer made by way of a mortgagee sale pursuant to an ROD mortgage is dealt with in the same manner as for a Land Titles mortgage. This obviates the need for the dual registration of documents at the Registry of Deeds and the Land Titles Registry.

Example

(i) *Discharge of Mortgage*

The practice of having a reconveyance lodged at the Registry of Deeds and an Application to Cancel a Defunct Entry at the Land Titles Registry has ceased.

(ii) *Mortgagee Sale*

The practice of having a conveyance made by a mortgagee in exercise of his power of sale lodged at the Registry of Deeds and an application to register a purchaser from a common law mortgagee as proprietor lodged at the Land Titles Registry has ceased.

21 **Duplicate Certificate of Title for Common Property**

21.1 **Section 13(4) of the Land Titles (Strata) Act**

- (a) Under section 13(4) of the Land Titles (Strata) Act, the duplicate Certificate of Title comprising the parcel is retained at the Registry after the registration of the Strata Title Plan and issue of Subsidiary Strata Certificates of Title for the strata development. Where the Subsidiary Strata Certificates of Title were issued before 15 April 1976, the relevant duplicate Certificates of Title comprising the common property may be forwarded for deposit with the Registry.
- (b) There are situations where the duplicate Certificates of Title for the common property in strata developments are required to be forwarded to the Registry for lodgment of documents, for example en-bloc sales and other matters. Solicitors sometimes have difficulty in finding out what happened to the duplicate Certificate of Title as they do not know whether it was given to the Management Corporation or whether it is deposited at the Registry.

21.2 **List of Certificates of Title for Common Property**

- (a) To enable solicitors to find out whether the duplicate Certificate of Title for the common property has been deposited at the Registry, the Registry has compiled a list of Certificates of Title issued for the common property where the duplicates have been forwarded for deposit. These are cases where the Subsidiary Strata Certificates of Title were issued before 15 April 1976.
- (b) The list is posted on the Notice Board in the public area at the Singapore Land Authority on the 26th storey, Temasek Tower. This list will be updated when there are fresh deposits of duplicate Certificates of Title.

Note: Where the Subsidiary Strata Certificates of Title were issued after 15 April 1976, the duplicate Certificates of Title for the common property are retained at the Registry pursuant to section 13(4) of the Land Titles (Strata) Act.

22 **Statement by Personal Representative that he is no longer holding the land in his capacity as Personal Representative but as an Absolute Owner - Rule 33 of the Land Titles Rules**

This rule provides that a personal representative who has become registered as a proprietor by transmission may file a statement stating that he is no longer holding the land as personal representative but as beneficiary.

Note: This is meant to apply to cases where a personal representative has since become the absolute owner of the land by gift or other transaction, or he may have been the sole beneficiary of the land in the first place.

23 **Severance of a Joint Tenancy/Declaration to Create a Tenancy in Common**

23.1 Section 53 provides that a joint tenant may sever a joint tenancy of an estate or interest in land:

- (a) by a instrument of declaration in the approved form and by serving a copy of the instrument of declaration personally or by registered post on the other joint tenants; and
- (b) upon registration of the instrument of declaration which has been duly served, the respective registered estates and interests in the registered land shall be held by the declarant and the remaining joint tenants as tenants in common in their respective shares.

23.2 Under the general law, it is clear that:

“although no joint tenant owned any distinct share in the land yet each had a potential share equal in size to that of his companions and so **depending on the number of joint tenants at the time in question**. Thus, if there were five joint tenants each had a right to sever his joint tenancy and become tenant in common of one undivided fifth share; if one joint tenant died before the severance each of the survivors had a potential quarter share and so on.”

(emphasis added)

[The Law of Real Property by Megarry & Wade, 5th Edition (1984), page 430]

This general law is retained under the Land Titles Act 1993.

23.3 Therefore, an instrument of declaration by a joint tenant to sever a joint tenancy claiming more than the proportionate share based on the number of joint tenants prior to severance is not in order. The instrument of declaration will not be accepted for registration as no change in the shares is allowed.

24 **Lapsing of Cautions of Title Under Section 25(2)(a) Land Titles Act**

Under section 25(4) of the Land Titles Act, the Registrar is empowered to cancel those cautions as to title that have lapsed pursuant to section 25(2) of the Land Titles Act.

With effect from 2 Dec 2002, solicitors will no longer have to lodge the 'Application for Lapsing of Caution' requesting the Registrar to cancel the lapsed cautions as to title (in addition to the lodgment of the Transfer where the Transferee is a purchaser for value and the Transfer is in respect of the whole lot).

This new practice applies only to Transfers lodged on or after 2 Dec 2002 against qualified titles.

25 **Cancellation of Caution – section 26 Land Titles Act**

The proprietor of land comprised in a qualified certificate of title may apply to the Registrar in an approved form to cancel the caution if he is able to deduce a title for a period of not less than 12 years as at the date of his application and he is able to satisfy the Registrar that there are no outstanding interests which are not notified on the certificate of title. The application must be accompanied with the relevant original title deeds.

26 **Form of Consent to be filed pursuant to a Notice served under section 120 of the Land Titles Act**

Where an instrument, eg a mortgage, is lodged and there are prior caveats on the land register prohibiting the registration of such an instrument, the Registrar will serve a notice under section 120 on the caveator. The caveator or his solicitor may decide to consent to the registration of the instrument. The form of consent to be used for such cases is at **Annex 3B**. The form of consent must be completed and returned to the Registry before the expiry of the 30-day period.

27 **Similar Interest Confirmation For Caveats**

27.1 **Lodgment of Caveat**

When a solicitor acts for, eg a purchaser or a mortgagee, he usually lodges a caveat to protect his client's interest.

27.2 **Subsequent Lodgment of Transfer in favour of a Purchaser or Mortgage in favour of a Mortgagee**

When the transfer or mortgage is lodged for registration at the Land Titles Registry, solicitors are required to confirm on the transfer or mortgage that the interest of the transferee or mortgagee is similar to the interest claimed in the earlier caveat. This expedites registration. The form of certification is:

*I,, the solicitor for the *transferee/mortgagee hereby confirm that the interest of the *transferee/mortgagee is similar to that in Caveat CV/.....*

Signature of Solicitor

**To delete that which is not applicable*

27.3 **Similar Interest Letters faxed to the Registry**

When solicitors omit to endorse the similar interest confirmation on the transfer or mortgage, they are requested to fax to the Registry their similar interest confirmations.

Note: Please note that if the similar interest confirmation has been faxed to the Registry, there is no need to send us a confirmatory copy.

**SCHEDULE AND PLAN FOR DEPOSIT UNDER SECTION 54A
OF THE LAND TITLES ACT**

Development Name	
Approved Building Plan/Development Plan reference	

(A) **DESCRIPTION OF LAND**

(1) Title document and lot particulars

CT		MK	TS	Part of Lot
Vol	Fol			

(2) Description of house/unit numbers of all units in development as shown HATCHED IN RED on the plan annexed

Bldg Blk No	Road Name	Unit No.

(B) **REGISTERED PROPRIETOR OF LAND**

Name:	
Address: (within Singapore for service of notice)	

(C) Date of schedule: _____

(D) **EXECUTION BY REGISTERED PROPRIETOR**

The Common Seal of _____)
_____ was)
hereunto affixed in the presence of:)

OR

NAME & SIGNATURE OF REGISTERED PROPRIETOR

Witness: _____

THE LAND TITLES ACT

CONSENT

To: Registrar of Titles

I, _____, of _____ [Address]

being the Caveator under

Caveat No.

hereby consent to the registration of

Instrument No.

made by

--

in favour of

--

in respect of the following property

Property Address Unit	Certificate of Title	
	Vol	Fol

Dated the day of 20 .

Signed by the CAVEATOR)
by his Solicitor)
_____)
in the presence of:)