

PRACTICE CIRCULAR 1/2004

To all Law Firms/Law Corporations

A INSTRUMENT OF DECLARATION BY A JOINT TENANT TO SEVER A JOINT TENANCY

Registration of Instrument of Declaration Without Production of Document of Title

1. Section 53(8) of the Land Titles Act (LTA) was introduced in August 2001 to allow the dispensation with production of document of title when lodging an Instrument of Declaration by a Joint Tenant to Sever a Joint Tenancy. In order for the Registrar of Titles to allow this dispensation, he would require a Statutory Declaration by the applicant recounting his efforts to procure the document of title to be lodged together with the Instrument of Declaration.

2. Upon registration of the Instrument of Declaration, the joint tenancy between the applicant and the remaining joint tenants will be severed. The applicant will hold the whole of the land as tenants in common with the remaining joint tenants in the shares which the Registrar will equally apportion between the applicant and the remaining joint tenants. The new manner of holding of the registered proprietors will be updated in the document of title kept by the Registrar. The document of title in the possession of the registered proprietor will be updated with the new manner of holding only when it is subsequently produced at the Registry.

Issue of Document of Title for Registered Proprietor's Respective Shares in the Property

3. If an applicant wishes to obtain a document of title as regards his share in the property, he is advised to follow Procedure A or B, as the case may be, depending on the type of document of title involved:

Procedure A – Where the affected document of title is a CT/SSCT/SCT

- (i) Arrange to publish a notice pursuant to Section 42(3) LTA in the major local English and Chinese daily newspapers (eg. Straits Times and Lianhe Zaobao) of the applicant's intention to apply for dispensation of production of the CT/SSCT/SCT for the purpose of an Application for new CT/SSCT/SCTs.
- (ii) Within 14 days of the publication of the notices, lodge an Application to dispense with production of CT/SSCT/SCT (Form 12) together with the following documents:

- a. Statutory Declaration recounting the events or circumstances on how the CT/SSCT/SCT has been found to be wrongfully withheld and that to the best of the applicant's information, knowledge and belief, the CT/SSCT/SCT has not been deposited as security for loan or otherwise; and
 - b. A certified true copy of each of the newspaper notices.
- (iii) Lodge an Application for new CT/SSCT/SCTs applying for separate CT/SSCT/SCTs to be issued for each registered proprietor's respective share in the property (Form 6A). This application is to be lodged together with the Application to dispense with production of CT/SSCT/SCT.

The application forms and forms of notice are available for downloading from Singapore Land Authority's website at www.sla.gov.sg.

Procedure B – Where the affected document of title is a duplicate Lease involving a flat unit (exempted from the Land Titles (Strata) Act) or Duplicate Lease involving whole of land or strata lot

- (i) Arrange to publish a notice pursuant to Section 42(3) LTA in the major local English and Chinese daily newspapers (eg. Straits Times and Lianhe Zaobao) of the applicant's intention to apply for Subsidiary Certificate of Title pursuant to section 122 of the Land Titles (Strata) Act (flat unit) or Certificate of Title/Subsidiary Strata Certificate of Title pursuant to section 29(3) LTA (whole land or strata lot).
- (ii) Within 14 days of the publication of the notices, lodge an Application for Certificate of Title/Subsidiary Certificate of Title for a leasehold estate comprised in a lease to replace the Lease (Form 10A) together with the following documents:
 - a. Statutory Declaration recounting the events or circumstances on how the duplicate lease has been found to be wrongfully withheld and that to the best of the applicant's information, knowledge and belief, the duplicate lease has not been deposited as security for loan or otherwise; and
 - b. A certified true copy of each of the newspaper notices.
- (iii) Register an Application for new CT/SSCT/SCTs applying for separate CT/SSCT/SCTs to be issued for each registered proprietor's respective share in the property (Form 6A). This application is to be lodged together with the Application for Certificate of Title/Subsidiary Certificate of Title for a leasehold estate comprised in a lease.

The application forms and forms of notice are available for downloading from the Singapore Land Authority's website at www.sla.gov.sg.

4. After the issue of the separate CT/SSCT/SCTs in favour of the applicant and the other co-owner(s), the new CT/SSCT/SCT in favour of the applicant will be released to him, while those in favour of the co-owner(s) will be retained at the Registry until the previous document of title, which has been invalidated by the issue of the new CT/SSCT/SCTs, is forwarded to the Registrar in exchange for the new CT/SSCT/SCTs.

5. Any subsequent instruments lodged after the issue of the new CT/SSCT/SCTs will have to be registered against the said new CT/SSCT/SCTs. The Registrar will not accept for registration any instruments stating the invalidated document of title.

B Residential Property Act - Certification relating to Citizenship of Person Acquiring an Estate or Interest in Land

1 It has been brought to the attention of the Controller of Residential Property that there have been cases where the citizenship of a party acquiring an estate or interest in land (eg transferee) has been wrongly certified in the conveyance / instrument of transfer, to be a 'Singapore Citizen' when the party was in fact a foreign person as defined under the Residential Property Act.

2 Lawyers are reminded to exercise due care and diligence when verifying and certifying the citizenship of their clients. An incorrect or inaccurate certificate could expose their clients to grave consequences as the provisions of the Residential Property Act prohibit the purchase or acquisition of restricted residential property by foreign persons who are not approved purchasers. The Registrar of Titles takes a serious view of any error or inaccuracy in the statements contained in the certificates and will take appropriate action against those lawyers who signed such certificates.

Date: 9 February 2004

VINCENT HOONG
REGISTRAR OF TITLES