

## PRACTICE CIRCULAR 5 OF 2006

To All Law Firms/Law Organisations

I am pleased to announce the following improvements to the procedure for Lodgment/Acceptance/Rejection of instruments as part of our on-going process review to simplify practices and procedures to serve you and your clients better:

### **Procedure for Lodgment / Acceptance / Rejection of CPF Charges, CPF Discharges & Withdrawals of Caveats,**

1. Currently, if CPF Charges, CPF Discharges &/or Withdrawals of Caveats are lodged together with other instruments in a set, they will be accepted provisionally. If any of the instruments are not acceptable for registration, the Land Registry will inform the solicitors of the same within 3 working days of the date of the lodgment.
2. If, however, the CPF Charges, CPF Discharges &/or Withdrawals of Caveats are lodged by themselves or together with Caveats and if they are not acceptable for registration, they will be rejected on the same day of lodgment or after the hardcopy documents have been forwarded to the Land Registry (as the case may be).
3. With immediate effect, the Land Registry will standardise the procedure for lodgment/acceptance/rejection of CPF Charges, CPF Discharges &/or Withdrawals of Caveats. Regardless of whether these instruments are lodged by themselves or together with other instruments in a set, the documents will be accepted provisionally and if they are not acceptable for registration, the Land Registry will inform the solicitors within 3 working days of the date of the lodgment.
4. The only exception would be a case where the CPF Charges, CPF Discharges &/or Withdrawals of Caveats are lodged together with a caveat in a set and the solicitor has indicated in the Lodgement Form that in the event that any of the documents in the set is not in order, he wishes to withdraw all the documents in the entire set. For such cases, all documents in the set will be rejected on the same day of lodgment or after the hardcopy documents have been forwarded to the Registry (as the case may be).

### **Consequential changes to the Consolidated Practice Circular 2003**

Arising from this change in the procedure, paragraph 1 of Part 3 of the Consolidated Practice Circulars 2003 shall accordingly be deleted and substituted with the following:

1. **Procedure for Lodgment/Acceptance/Rejection of documents**
  - 1.1 Procedure for instruments (excluding Caveats as well as Withdrawals of Caveats, CPF Charges & CPF Discharges lodged in a set together with Caveats)

**a) Acceptance of instruments without preliminary checking**

On payment of the fees, the Land Registry will accept the instruments without preliminary checking.

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

If the instruments are not acceptable for registration, the Land 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 Objections**

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

**d) Rectification of Objection**

In the objection notice, solicitors may be:

- i) requested to amend the instrument;
- ii) requested to forward supporting or duplicate documents; or
- iii) informed that the instrument is not acceptable for registration and will be rejected after 7 days from the date of the objection notice.

**Note:** Should an instrument be rejected, there will be no refund of fees. Also, if the lodging firms decide to withdraw any instrument and the withdrawal is acceptable to the Registrar, there will be no refund of fees as well.

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

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 or notification 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 lodgment.

[The additional fee payable for any instrument in the set for which production of the supporting document is required shall be the fee specified in the schedule to the Land Titles Rules]

**Note:** If the duplicate certificate of title/documents 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 date 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 instrument have to be lodged.

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

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

**1.2 Procedure for Caveats as well as Withdrawals of Caveats, CPF Charges & CPF Discharges (lodged in a set together with Caveats)**

**a) Checking of Caveats as well as Withdrawals of Caveats, CPF Charges & CPF Discharges (lodged in a set together with Caveats)**

On payment of the fees, the Land Registry will check the Caveats, Withdrawals of Caveats, CPF Charges & CPF

Discharges (lodged with Caveats) and if in order will accept them.

**b) 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 Lodgment Form. Where there is no statement by the solicitor, the Land Registry shall assume that (ii) applies and shall notify the other documents which are in order.

**c) Where the option is to withdraw all the documents in the set**

All documents including a Withdrawal of Caveat or CPF Charge or CPF Discharge which may be in order will be rejected.

**d) Where the option is for the Registrar to notify the other documents in the set which are in order**

- i) All documents that are in order will be notified.
- ii) Where the other document in the set which is not in order is a Caveat, it will be rejected on the same day of lodgment.
- iii) Where the other document in the set which is not in order is a Withdrawal of Caveat or CPF Charge or CPF Discharge, it will be accepted provisionally to be processed in accordance with the procedure stated under item 1.1.

**e) Time period for Notification of Objection of Caveat**

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

**f) Notification of Objection**

- i) If the document is manually lodged, a copy of the objection notice and the document will be returned to the law firm's representative.
- ii) If the document is e-lodged, the objection notice will be e-mailed to the law firm lodging the document through the E-lodgment System. If a hardcopy document is to be collected, the law firm's representative is to generate a collection notice from the said system and call at the Land Registry to collect the hardcopy document.

**g) 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.

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

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

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

If when rejecting a document on a ground of objection, the Land 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.

Date: 18 July 2006

VINCENT HOONG  
REGISTRAR OF TITLES