Bills Committee on Land Registration (Amendment) Bill 2000

Information requested by Members at the second meeting held on 20 February 2001

Effect of withheld/stopped deeds on the parties concerned

- (a) A stopped deed may have effect on the title of the property as legal practitioners may wish to know the effect of the stopped deed to determine its impact on the title of the property.
- (b) For the registration of subsequent transactions, where there is a stopped deed pending in a land register and a subsequent deed, which is not related to the stopped deed, is lodged for registration, the subsequent deed will be accepted for registration even though there is a prior stopped deed. For example, if a stopped deed is a release/receipt of mortgage and the subsequent document is an agreement or assignment by the existing owner, as the prior release does not affect the owner's capacity to deal with the property, the subsequent agreement or assignment will not be stopped and will be acceptable for registration notwithstanding the prior stopped release/receipt.
- (c) However if the subsequent deed is related to a stopped deed, the subsequent deed will be stopped, and will be put on the "Deeds Pending Registration" column of the land register until the registration of the prior stopped deed is completed. For example, if the stopped deed is a court order with the owner as a party to the proceedings and the subsequent instrument is an agreement or assignment by the owner disposing of the property, as the court order may be related to the power of the owner to deal with the property, the subsequent agreement/assignment will be stopped and put on the "Deeds Pending Registration" column of the land register pending the completion of the registration of the court order.

Suggestion for reduction of the proposed period for stopped deeds to be pending from 12 to 6 months subject to extension

The effect of removal from the land register is that the land register shall be regarded as never having had the particulars of the stopped deed entered on it – proposed Regulation 15(12)(b) in section 67 of the Schedule of the Land Registration (Amendment) Bill. A removed stopped deed will not get any priority under the Land Registration Ordinance. As there are such consequences upon the removal of a stopped deed, the Administration would prefer to adopt a prudent approach at first and allow one year, as originally proposed, to the applicants before considering the removal.

To include the list of regular types of registrable certified copy documents currently accepted by the Land Registry in the Bill

A copy of the list of certified copy documents which is now acceptable for registration is at the attachment. The Administration will propose a Committee Stage Amendment to include in the Bill the power for the Land Registrar to declare in a Schedule to the Land Registration Regulations the types of certified copy documents acceptable to the Land Registry.

Acceptable Form.

Instrument

(1) Original

All instruments unless otherwise permitted under Items (2) to (4) below.

- (2) Certified by Issuing authority
- Certificate of Incorporation on Change of name
- Death Certificate
- Certificate of Exemption from Estate Duty
- Certificate of Receipt of Estate
 Duty
- Probate of Will
- Letters of Administration
- Occupation Permit
- (3) Certified by solicitors
- Power of Attorney
- Certificate of Incorporation on Change of name
- Other instruments such as letters, notices if the original is not recoverable e.g. due to loss or because it is a notice/letter that is despatched to another party
- (4) Plain photo copy
- Certificate of Compliance (memo/ letter)
- Notice and letter of confirmation (confirming that the work have been complied with) from B.O.O.
- (5) Carbon Copy
- -*Provisional Agreement for Sale and Burchase
 - * These are signed in triplicate.
 Original signatures are required.



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