

Bills Committee on Land Titles Bill

Rectification of Title Register by Registrar

Purpose

This paper considers the suggestion to amend Clause 80(1) of the Land Titles Bill (rectification by the Registrar) to cater for circumstances not presently covered by the clause.

Background

2. Clause 80 of the Bill provides for the rectification of the Title Register. Clause 80(1) provides for two circumstances under which the Registrar may rectify any error in or omission from the Title Register, i.e. -

- “(a) in the case of errors or omissions *not materially affecting* the interest of the registered owner of registered land or a registered charge, or the registered lessee of a registered long term lease; or
- (b) in any other case with the *consent of all persons interested.*”

3. At the 16th Bills Committee meeting held on 21 October 2003, Members asked the Administration to consider adding a new item (c) to Clause 80(1) of the Bill to provide for other circumstances not covered by item (a) or (b) of the clause, for example, where there is a typographical error in relation to the name of the registered owner which materially affects the interests of the owner.

Consideration

4. Where there is an error in the name of the registered owner, it may *materially affect* the interest of the registered owner of the registered land. In the circumstances, Clause 80(1)(a) of the Bill would not apply and the Registrar would only be able to rectify the error under Clause 80(1)(b), i.e., with the consent of all persons interested. The clause is intended to protect the interests of persons interested in the registration.

5. We agree that sometimes it may not be possible to locate all the persons interested in the registration and to obtain their respective consent. Where the mistake is only a clerical error such as a typographical mistake of the name of the owner, it would be desirable to have it rectified in a simple and cost-effective way. This would especially be the case if the error in or omission from the Title Register is made by the staff of the Land Registry. In this connection, we note that Rule 13 of the UK Land Registration Rules 1925 provides that the Registrar can correct any clerical error. We, therefore, agree that the Registrar should be empowered under the Bill to rectify a clerical error provided that relevant documents are produced to the Registrar to support that the error is only a clerical one and its rectification is justified.

6. In view of the above, the Administration agrees to add a new item (c) to Clause 80(1) to provide that, on provision of the relevant supporting documents, the Registrar may rectify an error in or omission from the Title Register if it has resulted from a clerical error. We will prepare Committee Stage Amendments to this effect for discussion with Members in due course.

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Housing, Planning and Lands Bureau