



BERMUDA

LAND TITLE REGISTRATION (REFERRAL TO ADJUDICATOR) RULES 2018

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The Minister responsible for land title registration, in exercise of the powers conferred by section 123 of the Land Title Registration Act 2011, and all other powers in the Act enabling him to do so, makes the following Rules:

Citation

1 These Rules may be cited as the Land Title Registration (Referral to Adjudicator) Rules 2018.

Interpretation

2 In these Rules, unless the context otherwise requires—

“the Act” means the Land Title Registration Act 2011;

“adjudicator” has the meaning given in section 93(3) of the Act;

“business day” has the meaning given in rule 2(1) of the Land Title Registration Rules 2018;

“disputed application” means an application to the registrar under the Act to which an objection has been made;

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“objection” means an objection made to the registrar by a person who, under section 92 of the Act, may do so;

“the parties” means the person who has made the disputed application and the person who has made an objection to that application.

Procedure for referral to adjudicator

3 (1) When the registrar refers a matter to the adjudicator under section 92(7)(a) of the Act, he must as soon as practicable—

- (a) prepare a case summary containing the information set out in paragraph (2);
- (b) send a copy of the case summary to the parties;
- (c) give the parties an opportunity to make comments on the contents of the case summary in the manner, to the address, and within the time specified by him; and
- (d) inform the parties in writing that the case summary together with copies of the documents listed in it will be sent to the adjudicator with the notice referred to in rule 5(2).

(2) The case summary must contain the following information—

- (a) the full names of the parties;
- (b) the addresses of the parties;
- (c) details of their legal or other representatives (if any), including addresses and contact information;
- (d) a summary of the core facts;
- (e) details of the disputed application;
- (f) details of the objection to that application;
- (g) a list of any documents that will be copied to the adjudicator; and
- (h) anything else that the registrar may consider to be appropriate.

(3) The registrar may amend the case summary as he considers appropriate having considered any written comments made to him by the parties under paragraph (1)(c).

Addresses of parties

4 (1) If the address of a party set out in the case summary does not comply with paragraph (2), that party must provide the registrar with one that does.

(2) An address complies with this paragraph if it—

- (a) is a postal address in Bermuda; and
- (b) is either that of the party or of his representative.

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(3) In this rule, “postal address” means any address to which the Post Office delivers mail including, for the avoidance of doubt, a post office box as defined in section 2 of the Post Office Act 1900.

Notice of referral to the adjudicator

5 (1) This rule applies—

(a) either—

(i) when the registrar has considered any written comments made by the parties under rule 3(1)(c); or

(ii) if he has not received any comments from the parties within the time specified under rule 3(1)(c), on the expiry of that period; and

(b) when he has amended the case summary, if appropriate, under rule 3(3).

(2) The registrar must as soon as practicable—

(a) send to the adjudicator a written notice, accompanied by the documents set out in paragraph (3), informing him that the matter is referred to him under section 92(7)(a) of the Act;

(b) inform the parties in writing that the matter has been referred to the adjudicator; and

(c) send the parties a copy of the case summary prepared under rule 3 in the form sent to the adjudicator.

(3) The notice sent to the adjudicator under paragraph (2)(a) must be accompanied by—

(a) the case summary prepared under rule 3 amended, if appropriate, by the registrar under rule 3(3); and

(b) copies of the documents listed in that case summary.

Specified time periods

6 For the purposes of rule 3(1)(c), the time specified by the registrar must not end before 12 noon on the fifteenth business day after the date on which the registrar sends the copy of the case summary to the relevant party under rule 3(1)(b) or such earlier time as the parties may agree.

Commencement

7 These Rules come into operation on 2 July 2018.

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Made this 22nd day of June 2018

Minister of Public Works

[Operative Date: 02 July 2018]