

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 4,167 of 7<sup>th</sup> May, 2015**

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**B. 20/15**

**BILL**

**FOR**

**AN ACT** to amend the Gibraltar Land Titles Act 2011.

**ENACTED** by the Legislature of Gibraltar.

**Title and commencement.**

1. This Act may be cited as the Gibraltar Land Titles (Amendment) Act 2015 and comes into operation on the day of publication.

**Amendment of the Gibraltar Land Titles Act 2011.**

2.(1) The Gibraltar Land Titles Act 2011 is amended in accordance with this section.

(2) In section 2 before the definition of “deeds” insert-

““applicant” means the person applying for registration of a deed or will;”.

(3) In section 4-

(a) in subsection (1) after “no deed” insert “or will”;

(b) for subsection (2) substitute-

“(2) The Registrar of Land Titles may refuse to register a deed or will in the Land Titles Register where-

(a) he is not satisfied that it has been duly executed;

- (b) in his opinion the application does not comply with the provisions of this Act;
  - (c) it has not been certified by the Commissioner of Stamp Duties under the Stamp Duties Act 2005;
  - (d) he has to make a decision on matters of priority of deeds or wills affecting any land in Gibraltar; or
  - (e) in his opinion the nature of the application requires consideration by the Supreme Court.”;
- (c) in subsection (3) after “a deed” insert “or will”; and
- (d) after subsection (3) insert-
- “(4) Where the Registrar of Land Titles refuses to register a deed or will in the Land Titles Register pursuant to subsection (2), he shall instruct an applicant to apply to the Supreme Court for an order for registration.”.
- (4) For section 5(1) substitute-
- “5(1) Where any deed or will is subsequently registered after the time period specified in section 3, the priority of any interest in land affected by such registered deed or will shall be a matter for the Supreme Court to decide.”.
- (5) In section 5(3) after “section 11” insert “and section 11A”.
- (6) In section 7(2) for “Register” substitute “Registrar”.
- (7) In section 9(d) for “Register of Land Titles” substitute “Land Titles Register”.
- (8) In section 9(g) delete “, punishable on summary conviction by a fine not exceeding £5000”.
- (9) For the section heading to section 11 substitute “**Transitional and miscellaneous provisions applicable to deeds or wills executed before the coming into operation of this Act.**”.
- (10) In section 11(2) for “Register” substitute “Registrar”.

(11) For section 11(5) substitute-

“(5) The Registrar of Land Titles may exercise his discretion and register a deed or will to which subsection (4) applies, unless he refuses to register under section 4(2) and instructs the applicant to apply to the Supreme Court for an order for registration under section 4(4).

(5A) In any case where a deed or will requires an application to the Supreme Court under subsection (5), the Supreme Court may order the registration of such deed or will, notwithstanding that the time appointed for the registration has elapsed, upon such terms as to cost and expenses as it in its discretion thinks fits.”.

(12) After section 11 insert-

**“Provisions applicable to deeds and wills executed after the coming into operation of this Act.**

11A.(1) Subject to subsection (2), a deed or will the registration of which pursuant to section 3 should have been completed after the date this Act came into operation, and has not been so completed on the date the Gibraltar Land Titles (Amending) Act 2015 came into operation, shall be absolutely void and of no effect, so far as the same relates, or affects, or may be intended to affect any lands in Gibraltar.

(2) The Registrar of Land Titles may exercise his discretion and register a deed or will to which subsection (1) applies, unless he refuses to register under section 4(2) and instructs the applicant to apply to the Supreme Court for an order for registration under section 4(4).

(3) In any case where a deed or will requires an application to the Supreme Court under subsection (2), the Supreme Court may order the registration of such deed or will, notwithstanding that the time appointed for the registration has elapsed, upon such terms as to cost and expenses as it in its discretion thinks fit.

(4) Any application made under subsection (2) shall be made to the Supreme Court and the Attorney General shall be made a party to all such applications.

(5) A deed or will registered pursuant to an order of the Supreme Court, shall have the same effect and be as valid as if such deed or will had been registered within the time prescribed by this Act.”.

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#### **EXPLANATORY MEMORANDUM**

This Bill amends the Gibraltar Land Titles Act 2011 in section 4 by extending the grounds under which the Registrar of Land Titles may refuse to register deeds and wills.

Amendments made to section 5 provide that priority of deeds and wills subsequently registered after the time period specified in section 3 of the Gibraltar Land Titles Act 2011 are matters for the Supreme Court to decide.

Lastly, amendments made to section 11 and a newly inserted 11A, allow the Registrar of Land Titles the power to exercise his discretion and register deeds or wills which have not been registered within the time period specified in section 3 of the Gibraltar Land Titles Act 2011.

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