

Subsidiary Legislation made under s.9.

Gibraltar Land Titles (Register) Regulations 2023

LN.2023/223

Commencement **27.7.2023**

ARRANGEMENT OF REGULATIONS

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SCHEDULE

2011-06

Gibraltar Land Titles

2023/223

Gibraltar Land Titles (Register) Regulations 2023

In exercise of the powers conferred upon it by section 9 of the Gibraltar Land Titles Act 2011 and of all other enabling powers, the Government has made the following Regulations –

Title.

1. These Regulations may be cited as the Gibraltar Land Titles (Register) Regulations 2023.

Commencement.

2. These Regulations come into operation on the day of publication.

Applications for registration.

3.(1) An application to register a deed or will in the Land Titles Register (“the Register”) must-

- (a) be submitted via the Portal;
 - (b) be accompanied by a certified true copy of the relevant deed or will in a format approved by the Registrar;
 - (c) where duty is payable in relation to the deed or will under the Stamp Duties Act 2005, be accompanied by the appropriate amount of duty in the manner required by the Commissioner of Stamp Duties, together with any information required under that Act;
 - (d) be accompanied by the relevant fee in accordance with the Schedule.
- (2) If an application appears to be substantially defective it may be rejected on delivery, and regulation 6 will not apply.

(3) For the purposes of these Regulations –

“certified true copy” means a copy which has been certified by a solicitor or barrister as being a true copy of the original hard copy deed or will;

“substantially defective” includes where a document relates to a premises which does not have an individual address in the register kept pursuant to the Public Health (Official Register of Addresses) Regulations 2015.

Receipt of application for registration.

4. On receipt via the Portal of an application for registration, the Registrar shall –

- (a) via the Portal, issue a priority certificate recording –
 - (i) the date and time on which the application was submitted, subject to the provisions of regulation 3; and
 - (ii) the identification number assigned to the deed or will being registered;
- (b) where the application includes duty payable under the Stamp Duties Act 2005, issue a receipt for the amount paid; and
- (c) subject to these Regulations, within a period of 4 months from the date of submission, register or refuse to register the document.

Priority of applications.

5.(1) Subject to subregulation (2), applications shall have priority in accordance with the date and time set out in the priority certificate issued in respect of the document submitted for registration.

(2) Where one transaction is dependent upon another the Registrar may assume (unless the contrary intention appears) that the applications will have priority so as to give effect to the sequence of documents effecting the transactions.

Determination of applications for registration.

6.(1) The Registrar may refuse to register a document in accordance with section 4 of the Act.

(2) In order to establish whether an application should be approved or not, the Registrar may, via the Portal -

- (a) request the production of any further documents or evidence or the giving of any notice;
- (b) make such other request of the applicant as appears to the Registrar to be necessary to show compliance with the provisions of the Act, the Stamp Duties Act 2005 and these regulations,

specifying a period of not less than 14 days within which the applicant must comply.

(3) Any time elapsed between the making of a request by or on behalf of the Registrar under this regulation and compliance with the same by the applicant shall not count towards the time limit set out in regulation 4(c).

(4) The Registrar is under no obligation to proceed with an application until the applicant has complied with any request made under subregulation (2).

(5) If the applicant fails to comply with the request within the period set by the Registrar under subregulation (2), the Registrar may cancel the application, or may extend the period if it appears to the Registrar to be reasonable to do so in all the circumstances.

(6) After considering any response to enquiries made pursuant to subregulation (2), where the Registrar intends to refuse to register a document, the Registrar shall notify the applicant via the Portal setting out –

- (a) the reasons for the likely refusal; and
- (b) where appropriate, any defect in the application or document that requires rectification before the document is resubmitted for registration.

(7) An applicant who receives notification under subregulation (6)(b) may make written representations via the Portal and submit copies of any supporting documentation within 14 days of the notification having been issued by the Registrar, via the Portal, or by other means approved by the Registrar.

(8) If the applicant fails to respond within 14 days of the notice given under subregulation (5), the Registrar may refuse the application without further notice to the applicant.

(9) If the applicant makes representations pursuant to subregulation (7), the Registrar shall consider the application afresh –

- (a) within 14 days; or
- (b) within 14 days after the expiration of the 4 months set out in regulation 4,

whichever is the later.

(10) After considering any representations made under subregulation (7), the Registrar may–

- (a) register the document in accordance with the provisions of regulation 9; or
- (b) refuse to register the document, and confirm the decision to the applicant, with reasons for the decision, via the Portal.

Appeals to the Supreme Court.

7.(1) Any person aggrieved by –

- (a) the refusal to register a document; or
- (b) the failure of the Registrar to deal with an application within the time prescribed,

may appeal to the Supreme Court.

(2) An appeal shall be instituted within 7 days of the notification to the appellant of the matter complained of, or in the case of an appeal under subregulation (1)(b) within 7 days of the expiration of the period prescribed by virtue of regulation 4(c) (taking into account any extensions to that period allowable under these regulations).

Powers of the Supreme Court.

8.(1) The Supreme Court may confirm the refusal of the Registrar to register a document or may direct the Registrar to take any action which, under the Act, he has power to take.

(2) A document's priority certificate shall remain in force until such time as the Supreme Court decides the appeal.

Registration.

9. The Registrar, after satisfying himself that the deed or will was duly executed and, where necessary, attested and, in the case of a deed –

- (a) has satisfied the relevant provisions of the Act; and
- (b) has been certified by the Commissioner of Stamp Duties as duly stamped in accordance with the provisions of the Stamp Duties Act 2005,

shall thereupon –

- (i) make or cause to be made the appropriate entry in the Register; and
- (ii) issue a certificate via the Portal confirming such registration.

Form of Register.

10. The Registrar shall keep the Register in the form determined by him to be the most appropriate to enable a record of deeds and wills to be maintained.

Fees.

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11. The fees to be charged by the Registrar are the fees set out in the Schedule.

Revocation of the Gibraltar Land Titles (Register) Regulations 2011.

12. The Gibraltar Land Titles (Register) Regulations 2011 are revoked.

Transitional and saving provisions.

13.(1) Nothing in these Regulations shall have any effect in relation to any document duly registered before the coming into operation of these Regulations.

(2) Notwithstanding regulation 12, where an application for registration of a document under the Gibraltar Land Titles Act 2011 has been commenced prior to the commencement of these Regulations, the application shall continue as though these Regulations had not been commenced

SCHEDULE

For registration of a will or deed pursuant to section 3 of the Act	£250
For registration of a will or deed pursuant to any provision of the Act other than section 3	£500
For search of title	£30
For a copy of any document or part thereof	£40
For certification of a copy as a true copy of the original	£40