



GOVERNMENT OF BERMUDA
MINISTRY PUBLIC WORKS

PATI Information Statement

Name of Public Authority: Land Title Registry Office

Introduction:

The Public Access to Information Act 2010 ('PATI') was developed to give the public the right to obtain access to information held by public authorities; to increase transparency with regard to these authorities; to increase the accountability of public authorities; and to update and inform the public on the activities and decision-making of these authorities in a sustained and consistent manner.

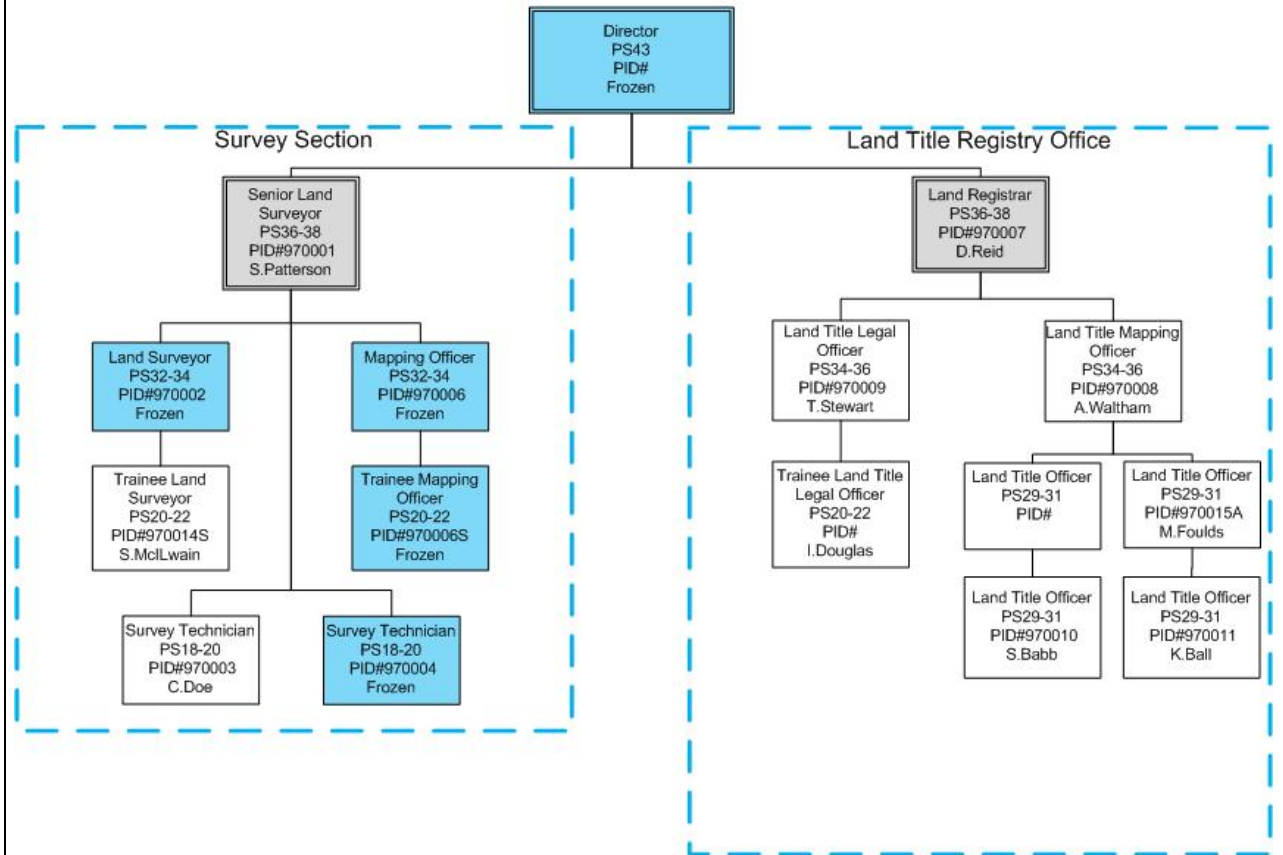
To aid the provision of information to the public, PATI requires that each public authority prepares an Information Statement. The purpose of the Information Statement is to provide people wanting access to information held by a public authority a 'window' of the types of documents held by that public authority, what that public authority does, and how a person can access the information they require.

In many jurisdictions around the world Land Title Registers are public documents. Open access of land registers is seen as being supportive of government transparency and as a means of protecting against fraud and corruption.

The Bermuda Land Title Register will be open to public inspection in so far as it will be possible for anyone to ascertain information relating to the ownership, leasing or mortgaging of any registered land upon payment of an appropriate fee. Information regarding trusts will not be open for inspection on our register. The trustees, however, will be listed as the owners of a registered property.

Section A: Structure, Organization and Legislation [s5(1)a]

Department of Land Surveys and Registration
Organization Chart
April 2015



Legislation

Land Title Registration Act 2011
 Land Title Registration Rules 2013

Section B: 1) Functions, powers, duties of the Authority [s5(1)b]

Mission Statement

Building a sustainable future for Bermuda by effectively managing land through land title registration, surveying and mapping.

Functions

- Creation and maintenance of an electronic register of legal estates and interests in land and so providing legal security for owners and other interested persons.
- Registration of mortgages and other secured loans thereby providing security for lenders.
- Maintenance of a system of registered conveyancing that facilitates the creation, transfer and cancellation of legal interests in land in a way that is reliable, simple and timely.
- Provision of affordable access to land information in order to facilitate the land information needs of Bermuda.
- Maintenance of the Land Title Registry Index Map of all registered titles in order to enable the identification of unique title number references for each registered property and the location and the indicative extent of such properties.

Power

Staff have the power to deal with land title registration applications and registration under the Land Title Registration Act 2011 and the Land Title Registration Rules 2013.

Duties

- Establishment and maintenance of a schedule of fees to be paid by those registering transactions and for obtaining information and copies of documents and plans.
- Establishment of arrangements whereby any person who suffers loss as a result of error or omission in the land title register can seek recompense.
- Collaboration in the development of land information systems in Bermuda
- Collaboration in other related government initiatives (e.g. sustainable development, e-Government etc.) as appropriate.
- Provision of advice to the Minister on any matters relating to land and to prepare an Annual Report on the work of the Land Title Registration Office.
- Measure customer satisfaction through carrying out surveys.

Section B: 2) Obligations under PATI Act [s5(1)b]

To provide an **information statement** for the public and promulgate it [s5],

- To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - General information, e.g. activities of the Authority
 - Log of all information requests and their outcome
 - Quarterly expenditure (upon request) [s6(5)]

- Contracts valued at \$50,000 or more.
- To **respond to information requests** in a timely manner [s12-16]
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner [s9]
- To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
- To conduct an **internal review** if formally requested [part 5]
- To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
- To provide an **annual written report** to the Information Commissioner of the status of information requests [s58 (3)].
- **To do anything else as required** under the PATI Act and subsequent Regulations [s59, 60], including:
 - **Fees** for Requests for information
 - Management and maintenance of **records**
 - **Procedures** for administering the Act
- To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
- To **designate one of its officers** to be the person to whom requests are directed [s62]

Section C: Services and Programmes [s5(1)c]

Services:

- To develop and maintain an efficient system of land title registration for Bermuda that will underpin the island's real estate market.
- To facilitate simpler, quicker and less expensive land transfers (including eventual electronic conveyancing)
- To facilitate simplified and faster determination of legal ownership.
- To reduce the scope for fraud.
- To provide easy and affordable access to up to date land information.
- To facilitate more efficient management of the Government Estate.
- To deal with General Search Requests.
- To deal with Addressing Requests.
- To deal with Mapping Requests.

Cost of Services

- 1) Application under sections 21 and 24 and Schedule 3 for a first registration of the freehold estate is 0.1% of the open market value of the estate.
- 2) Application under sections 21 and 24 and Schedule 3 for a first registration of a registrable leasehold estate is 0.1% of the open market value of the estate or 1% of the annual rent (whichever is greater).
- 3) Application to change the whole or part of a registered title where the owner of the whole or part changes (except that where the dealing involves the change of one of joint owners, the fee will be assessed on the value of the owner's share) is 0.1% of the open market value of the estate.
- 4) Application to change the whole or part of a registered title where the owner does not change is \$100.
- 5) Application under section 35 for a caution against first registration is \$100.
- 6) Application under section 84 for an inspection of the Register or LTRIM or any or all documents referred to on the Register and held as scanned documents is \$25 per parcel number.
- 7) Licence to inspect the Register or LTRIM or any or all documents referred to on the Register (via the internet) and held as scanned documents under section 84 is \$1,000 per annum.
- 8) Application under section 85 for an official copy of a register including extract of The Land Title Registry Index Map (LTRIM) is \$25 per parcel number.
- 9) Application under section 85 for an official copy of any or all documents referred to on the Register and held as scanned documents is \$25 per parcel number.
- 10) Application under section 85 for an official search of the LTRIM to reveal parcel numbers within the area searched is \$25 per parcel number.
- 11) Application under section 87 for an official search with priority of the Register is \$25 per parcel number.

Section D: Records and documents held [s5(1)d]

The following documents will be held by the Land Title Registry Office :

- Conveyance
- Mortgage by way of Conveyance
- Deed of Easement
- Legal charge
- Transfer
- Judgments

Section E: Administration (all public access) manuals [s5(1)e]

Technical manuals

- First Registrations
- First Registrations (deeds lost or destroyed)
- Cautions against first registration
- Adverse possession of registered land
- Devolution on the death of a registered proprietor
- Entry of price paid or value stated on the register
- Execution of deeds
- Powers of attorney and registered land
- Official searches of the Index Map
- Inspection of and applications for official copies
- Official searches and outline applications
- Official searches of the index of relating franchises
- Charities
- Overriding interests and their disclosure
- Profits a prendre in gross
- Notices, restrictions and the protection of third party interests in the register
- Applications under the Law Reform (Husband & Wife Act) Act 1977 and Administration of Estates Act 1974
- Private trusts of land
- Leases- when to register

- Leases- determination/Extension of leases
- Registration of legal charges and deeds of variation of charge
- Approval of mortgage documentation
- Discharges of charges
- Personal insolvency
- Corporate insolvency
- Administration and Receivership
- Objections and disputes (A guide to Land Title Registry Office practice and procedures)
- Costs
- Rectification and Indemnity
- Upgrading the class of Title
- Applications in connection with court proceedings, insolvency and tax liability
- Return and rejection of applications for registration
- Requisition and cancellation procedures
- Address for service
- Exempting documents from the general right to inspect and copy
- Evidence of identity

Management manuals

Internal Practice Manual

Safety And Health Manual

Section F: Decision-making documents [s5(1)f]

Land Title Registration Act 2011

Land Title Registration Rules 2013

Department Business Plan

Civil Service Dignity at Work Policy and Complaints Procedure

Government of Bermuda Conditions of Employment and Code of Conduct

Government of Bermuda and BPSU Collective Bargaining Agreement

Section G: The Information officer [s5(1)g]

Insert name and contact information:

Tim Stewart - 1st floor, Milner Place, 32 Victoria Street, Hamilton HM12
Tel: +(441) 294 9261

Section H: Any Other Information [s5(1)h]

N/A

Section I: Any Other Information To be Provided? [s5(1)i]

N/A

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

Date Information Statement was updated: 10th April 2015

Locations of Information Statement:

Confirm copies of Information Statement are available at the following sites:

- Your principal office: 1st floor Milner place, 32 Victoria Street, Hamilton Y
- The Bermuda National Library; Y
- The Bermuda Archives; Y
- Available electronically; Y
- Website for public authority (www.ltro.gov.bm). Y
- Have you published a notice in the Gazette indicating the places where the information statement is available for the public? N
- With the Information Commissioner. Y

Signed T Stewart

Date: 10th April 2015