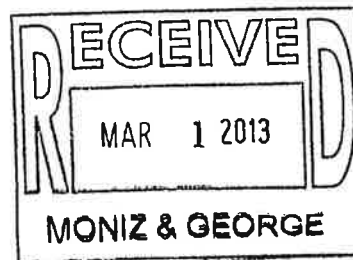




Government of Bermuda
Ministry of Environment and Planning
OFFICE OF THE PERMANENT SECRETARY

25th February 2013

Moniz & George
Barristers and Attorneys
The Boyle Building, 3rd Floor
31 Queen Street
Hamilton HM 11



Attention: Mr. Kevin M. George

Dear Mr. George,

Re: Land Title Registration Act 2011

I write on behalf of the Hon. Sylvan D. Richards, JP, MP, Minister of Environment and Planning in response to your letter of 18th January, 2013 regarding the Land Title Registration Act 2011. The Minister has carefully considered the concerns raised and is now prepared to respond as follows:

The Minister does not share your view that the decision to introduce a form of registration modeled on the UK system is ill-considered, and intends to proceed with the implementation of the Land Title Registration Act 2011.

Your letter suggests that there has not been contact between the Government and the Bar Association on this matter since 2001. The record will show that this is not the case, for the Bar Association has been consulted at every stage. To be clear, all law firms on island were invited to a presentation in November, 2003 at the Hamilton Princess. Once the Land Title Registration Office (LTRO) had been established and policy proposals framed, the office ran an extensive series of stakeholder consultation exercises in May and June of 2007. Through the Bar Association's Continuing Legal Education (CLE) programme, all law firms were invited to a detailed presentation held at the Cedarpark Centre on 9th May, 2007. This presentation took the form of a consultation exercise and the draft legislation was framed based on the responses arising from that consultation. A further meeting was held on 1st June, 2007 at City Hall specifically for conveyancing lawyers. Then, all law firms were invited to submit feedback, questions and other responses to LTRO by the end of June, 2007.

Another presentation through the Bar Association's CLE programme was conducted in May, 2009. This presentation provided extensive information on the progress of the initiative, the framing of the legislation, and invited feedback from conveyancing lawyers. A full presentation was then provided to the Bar Association on 14th November, 2012, which detailed the contents of the LTR Act 2011. We further understand that you have personally been invited to participate in the reviewing of the draft Bill.

Based on the above, we are satisfied that extensive consultation with the Bar Association has taken place.

Your letter also suggests that the legislation contains numerous, unspecified, defects that will result in a further blow to the island's property market. Based on the feedback that we have received, particularly from the members of the conveyancing bar that have participated in our consultations, the Minister does not share your view.

Your letter also suggests that the system to be implemented would be of concern to the local banks. Again, the Minister does not share your view. LTRO has been in regular and constant contact with the three primary local banks. All have agreed to participate in the system. Further, it is their view that a registered title is the best form of security for lending purposes.

Bermuda is only one of a small handful of countries in the developed world that does not have a system of land title registration. Established international best practice provides that a guaranteed title to land, such as that provided via a land title register, is the best form of title insurance. Secured lending establishes a good credit market. Private enterprise is boosted by a good credit market. The Minister is therefore satisfied that the system of land title registration as governed by the Land Title Registration Act 2011 is in the best interests of Bermuda.

Sincerely,



Derrick S. Binns, Ph.D.
Permanent Secretary

DSB/at