Title Registration: Where are we?
or
(Land Titles, Land Titles, Wherefore art thou Land Titles?)

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Without telling the organizers I have taken the liberty of changing the title of my talk from the prosaic "Title Registration: Where are we?" to the poetic "Land titles, land titles, wherefore art thou land titles?" Good practice frowns on the display of passion by public officers, but if I and my colleagues in the Land Registry cannot get passionate about title registration, how can we expect anyone else to do so, or for you to take seriously our commitment to get the new law into operation?

You may wonder how anyone could get passionate about a dry matter like title registration. But, note this: in the early 1950's when title registration was extended outside London for the first time, the Chief Land Registrar found that the extension order was due to come into effect on the ides of March and wrote to a friend that he feared there would be some Brutus among the Surrey Solicitors waiting to assassinate him, so fierce was the opposition.

Here in Hong Kong I'm not aware of such deep antipathy. I don't think there is some Tybalt among the ranks of the Law Society waiting to shiv the Land Titles Ordinance in its sub-sections – nor, touch wood, the Land Registrar. But, over the years the cause of Title Registration has not secured such strong public support as would help drive it through the inertia that always drags at any change. Even with wide support, sometimes even the most straightforward of reforms can be hard to carry through. Changing from deeds registration in which ownership is grounded in the common law of property to a title register where ownership is determined under statute law is not the most straightforward of reforms.

Elsewhere the introduction of Title Registration often has been linked to some wider public policy, support for which has helped to carry title registration through on its coat-tails. In Australia, Sir Robert Torrens' title system was taken up by the "responsible government" movement as part of its programme to give practical expression to the replacement of British rule by local legislatures and laws. In Ireland, the introduction of title registration was seen as part of the programme of ending the protestant ascendancy after independence was gained in the 1920s. In England itself, the introduction of an effective title registration system embodied in the 1925 Act was part of a wider reform of land law that in turn fitted into a larger political movement to recognize the sacrifices of the citizen armies of World War I by creating 'homes fit for heroes'.

No such wider cause has been found here in Hong Kong. When in 1994 the last Registrar General, Noel Gleeson, declared that the Land Titles Ordinance would "introduce a new system whereby the ownership of land…is established and ascertained beyond doubt under a local law of Hong Kong which…will be recognized after June 1997 by the Basic Law. In this way, continuity and certainty of ownership are secured for all of Hong Kong" this did not strike a chord in the public mind. Preservation of the rule of law was at the forefront of people's minds, not changes to the law. The fact that the Land Titles Ordinance would change a key part of the common law, with which Hong Kong had lived and prospered for 150 years was of no little concern. The prospects for the bill going through in 1994 would not, I think, have been good even if the proposal to abolish scale fees had not been introduced at the same time.

General concern over preservation of the rule of law has not been the major obstacle to successful introduction of a title registration system in more recent years. Other factors have been at work as well. But attachment to the existing system should not be downplayed. Anyone attempting to make a fundamental change of the nature being made in the Land Titles Ordinance does well to keep in mind the counsel that Sir William Blackstone gave some years ago in his *Commentaries on the Laws of England*: "But who, that is acquainted with the difficulty of new-modelling any branch of our statute laws, will conceive it ever feasible to alter any fundamental point of the common law…".

The principle of *nemo dat quod non habet* and the chain of title are fetters to which people have grown accustomed by long use. They are not easy to cast off. Recently in Ontario, where title registration has been operating for several decades, argument has been made in Court for a return to the *nemo dat* principle[1] and rejection of the indefeasible title established by statute.

Little wonder then that here in Hong Kong, where title registration today is still just an idea, there is strong sentiment among various parties that as a matter of principle, irrespective of any indemnity that might be offered, the former owner should always recover a property when registration had been altered due to fraud, even against a wholly innocent purchaser who had subsequently been registered as owner. This touches a key issue of principle for the effectiveness of title legislation, to which I will return.

For the moment, let me finish my introductory remarks with a clear statement of my position on the main point : the benefit of having title registration.

I think there is much wisdom in Blackstone, but he has been rebutted on reform of property law. Statutes that determine title by registration have successfully replaced key parts of the common law of property in jurisdictions from South Australia to Saskatchewan. Perpetuating a deeds register puts Hong Kong increasingly at odds with good practice to which people are becoming accustomed elsewhere.

I think that attachment to old things is to be respected, but I also think that the law cannot remain indifferent to changes in the nature and needs of society. Since the 1950s there has been a fundamental change in the nature and extent of property ownership in Hong Kong. Continuing to administer proof of title through a system designed to cater for the interests of the landed gentry of England and Ireland in the early 1700s – which is what the Land Registration Ordinance of 1844 is based on when you scrape away the miracles and wonders of information technology that keep it going – is unwise. It imposes an unnatural burden on solicitors and exposes every home owning family, every property holding business, to unnecessary risks.

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[1] *See 'Lawrence v Wright' Ontario Court of Appeal CA C45675. The commentaries thereon are also a useful guide to the concepts of immediate and deferred indefeasibility mentioned later in this paper. CIBC Mortgages v Chan, Ontario Court of Appeal CA C41837/C41838 is relevant as background to the deliberations in Lawrence v Wright.*

Title registration will relieve solicitors from the repetitive, unproductive drudgery of title examination and some of the attendant risks. I stress 'some'. You will retain duties to your clients and for verifying identity and authority to act. You will retain an important role in helping to maintain the integrity of the overall system.

But title registration is much more than a measure to relieve solicitors, however welcome that particular effect may be to them. The main benefit it brings is to give greater ease and security to the public when they deal with interests in land and property. Our duty is to see that this benefit is delivered. I think Government – in its fullest sense - has value to the extent that it provides a framework within which people can get on with their lives and business with less worry. Title Registration will improve that framework of security for people here in Hong Kong.

Let me now turn from the historical and philosophical to the practical and address the simple question you all have, which is, why hasn't the Land Titles Ordinance that was enacted in July 2004 been put into use yet?

Well, although the Legislature agreed to enact the Bill at the final sitting in 2004 their agreement was conditional. They were concerned that major changes were being made at the committee stage and while they approved the objective, they were hesitant to let the infant crawl out of the nursery.

You may recall that there were two major changes made in 2004 to the Bill gazetted in 2002.

The first was to introduce the so-called 'Daylight Conversion Mechanism'. Under the gazetted bill, conversion would have taken place gradually upon transactions and would have been conditional upon a certificate of good title issued by a solicitor. The Law Society objected both to the indefinite timetable for conversion this implied and to the idea of the certificate of good title. It was feared that this would create for solicitors a liability in perpetuity to the Government. Other parties had raised concerns also about risks of loss of interests arising out of unwritten equities in property. Support was eventually marshaled for a 12 year lead in before conversion of any leases already registered under the Land Registration Ordinance. During that 12 years there would be new mechanisms under the

Land Registration Ordinance to allow persons having claim under unwritten equities to lodge notice of their claim or for parties disputing title to lodge a caution to prevent conversion while their claim was being settled. Only new land would come under the LTO during the 12 years. At the end of the period, conversion would be automatic. Subsisting interests would continue to have effect after conversion until such time as a first sale after conversion to a purchaser for valuable consideration. No certificate of good title would be required for conversion or subsequent transactions.

The second main change was to the rectification provisions. As proposed in 2002 the bill would have left it to the Court to decide in fraud cases which of two innocent parties – the registered owner prior to the fraud or the purchaser in possession – should hold the property and which would be given indemnity. The argument made against this was two-fold. First was the assertion that it is wrong in principle to favour the innocent purchaser over the former owner. Second it was pointed out that the cap on indemnity in fraud cases created a risk that a former owner might not be compensated to the full monetary value of his loss. In the end the decision was taken to maintain the cap and, as a consequence, to change the rectification provision so as to make it mandatory for the Court to restore the former owner to the property. An innocent purchaser would be displaced from title and be eligible for indemnity.

Confronted with these fairly large changes to key parts of the bill, Legislators, while welcoming Government's responsiveness to other parties, were apprehensive. From across the political spectrum, members made clear their concerns during the final debate on the bill. Mr Tam Yiu-chung stated : "…the DAB hopes that…the Government can still seek to perfect the whole mechanism". Ms Audrey Eu remarked : "We have done our best and hope the Bill will be passed in this session. But we cannot say that it is entirely problem free…So the Government's proposal…to review and make amendments is very important." Miriam Lau for the Liberal Party : "I urge the Government to … review with the legal profession all the provisions of the legislation and to proceed carefully…If necessary, another amendment bill should be submitted to perfect the legislation and to avoid affecting the people's property rights ..." . The Chairman of the Bills Committee, Ms Margaret Ng concluded that "…it is clear to all stakeholders that the enactment of the Land Titles Bill only opens the gates to a new system, it is not yet the complete system…more hard work lies ahead".

In their various ways, the comments of Legislators reflected the view put forward by the Law Society. This was that although the Law Society Working Party believed it had reached a consensus with the Land Registry on policy issues it still felt : "unease that such an important and significant piece of legislation could be passed when significant changes have been introduced at a late stage and without the opportunity for a full and calm consideration of the impact of the changes on the overall Bill."

Why did Legislators agree to pass legislation they were not satisfied with? Ms Margaret Ng put it most clearly. While saying that the new system "is untested in Hong Kong, and we have to be very alert to possible pitfalls" she noted that the existing system "is time consuming and full of pitfalls". She concluded : "I believe, along with the other members of the Bills Committee, that Hong Kong has to make change and modernize…If we reject this bill, we may never be able to make a change. If the bill is enacted, then may be one day the system will be able to perfect itself."

The Government's offer to conduct a thorough review before seeking commencement was important. It provided a route whereby Legislators could allow the Land Registry to work with stakeholders to address subsisting concerns while avoiding a major setback to the cause of this reform – and I have no doubt that the lapse of the bill un-enacted for a second time at the end of the legislative term in 2004 would have been a severe set back. It took over seven years to get a bill moving again after the first attempt lapsed in 1995.

The Law Society suggested two conditions be met before commencement of the Bill. One was a catch-all condition to address all points that might emerge on further consideration, the other a specific commitment not to implement the Bill pending a review of the Solicitors Professional Indemnity Scheme by the Law Society. For their part, Legislators set out a wide range of matters they wanted considered. These included practical issues of guidelines and education programmes; clarification of particular definitions and provisions in the law; actuarial review of the indemnity fund's requirements; and, consideration of more comprehensive arrangements to deal with the updating of land boundary plans.

I will now take you through where we are with that review. By early 2005 it was clear that an amendment bill would have to be enacted to deal with a number of substantive issues before the LTO could be put into effect. That being so, the decision was taken to address a general concern voiced by members of the Law Society Working Party in our meetings with them, that the language and organization of the enacted LTO were difficult to follow and were likely to cause problems in practice. The draftsman who had gallantly taken over the LTO at a late stage in 2004 to make the committee stage amendments was himself very willing to address this complaint. It was agreed to give him the time to do so. A working draft of his proposed reworking of the ordinance was circulated in mid 2006 and was well received.

As that work of rewriting and reorganization went on, the review took on what for simplicity in explanation I will call four major tasks.

The ***first*** grew out of a number of specific concerns that the Bills Committee and Law Society had about definitions, how particular provisions would operate in practice, and the relationship between the Land Titles Ordinance and the Conveyancing and Property Ordinance. As these questions were addressed, a wider set of questions were uncovered over the relationship between the LTO and the large number of existing pieces of legislation that have bearing on registration requirements and interests in land. What we found in the other legislation was wide variation in provisions as to requirements for registration, in the effect that registration had and how matters that had ceased to have effect were to be dealt with. When we sat down to work through how people might interpret this legislation in light of the enacted LTO we found that the LTO did not provide clear, consistent guidance. Against the basic principle of title registration - that matters have to be registered to have effect as interests in land - Section 3(3) allowed that provisions of other enactments could prevail over the LTO. Section 28 also very broadly made any rights created under other enactments overriding interests. Overriding interests exist without registration. But, a number of existing enactments specifically require registration for the interest created to have effect!

Clearly, neither the LTO nor many of the other Ordinances could be left as they are without causing severe problems of interpretation for solicitors, the Land Registry, other departments and the public. To address this, we have agreed that the requirement that an interest be registered if it is

to have effect should be paramount. Where there is an unavoidable need to allow an interest to have effect before it is registered this should be allowed for clearly in the LTO so that all can be sure what the position is by reference to the LTO. We have scrutinized dozens of pieces of existing legislation to determine the intention behind them and how they are used in practice today. We have made recommendations to all affected departments as to amendments to their laws or changes to their current procedures that will be needed to comply with the LTO. We are still working with a few departments to settle some questions over whether an exception is really necessary in particular cases. For the LTO itself, there will be amendments to the section on overriding interests to remove any inconsistencies or conflicts with rights created under other enactments. There will also be new provisions to make clear how statutory charges are to be registered and how they may be removed from the register.

The overall aim of this area of work is to ensure that there is clarity for all users as to the meaning, intention and effect of the LTO when it is put into practice.

The ***second*** area of work was more straightforward, affecting only one section of the LTO and one other Ordinance. This concerned provision for updating of boundaries. Legislators were worried that while S.94 of the LTO introduced some means to deal with the updating of boundaries for land registered under the LTO, there was nothing that applied to land while it remains registered under the LRO – that is nothing applying to all existing land for 12 years after commencement of the LTO.

What has been decided now is that S.94 will be removed in its entirety from the LTO. In its place, a new part will be added to the Land Survey Ordinance, Cap.473, to deal with the updating of land boundaries. This will apply to land lots irrespective of whether they are registered under the current LRO, Cap.128 or the LTO. The drafting of the new scheme is underway and it will be introduced with the Land Titles Amendment Bill.

I would like to emphasize that although the provisions in the new part of the Land Survey Ordinance will be much more extensive than the very simple scheme in S.94 of the enacted LTO, there is no change to the essential principle : updating of boundary plans is <u>not</u> a precondition for registration of title. The new scheme under the Land Survey Ordinance will be voluntary. The Land Registry will update our record of a plan when a

revision is approved by the Land Authority. We will not be forcing people who are content with present facts on the ground to risk disputes with their neighbours over the precise delineation of boundaries before conversion to registered title can take place.

The ***third*** area has been the conversion mechanism. On a general level, the 12 year delay before any conversion of existing land has been queried by a number of parties, worried about the impact it may have on operation of the property market. Conversely, others still challenge compulsory conversion. At more detailed level, the new provisions in Cap.128 to allow for registration of notice under the LRO of claims to interests arising from unwritten equities prior to conversion have been found to require extensive transitional provisions to prevent uncertainty over the priority of interests when conversion to the title register takes place.

Automatic conversion places a heavy burden on the Land Registry. The current deeds register is not a title register. For solicitors and other parties to be able to use the title register with ease and confidence after the conversion, extensive preparation is needed before conversion. Earlier ideas of simply deeming the deeds registers to be the title register will leave too many questions and inefficiencies for the staff of law firms and the land registry to work around on a daily basis. The preparation before the conversion date will involve substantial costs, some on IT infrastructure but more on manpower to screen through the data in the 2.8 million deeds registers and structure it in preparation for the conversion.

On top of these costs there is concern at the effect that the conversion mechanism has on the funding for the indemnity scheme. Only after conversion will the fund start to acquire significant revenue, but immediately on conversion there may be liabilities we have to deal with. The limited standby loan proposed by Government is not something we can bank on with assurance. It would be subject to future Finance Committee approval. If, as required, the Land Registry Trading Fund is to support the new system on a freestanding basis, funding arrangements that better enable us to prepare for the conversion as well as manage the possible liabilities on conversion will be needed.

As the LTO and LRO now stand, there are no powers for the Land Registry to withhold registers from conversion where there is uncertainty over ownership. Provisions are needed to allow for the Registrar to make an

exclusion from conversion pending a resolution of the matter by the parties or the Court. We are also looking at our procedures and powers for handling instruments submitted for registration under the LRO. These may need to be brought closer into line with how we will operate under title registration so as to make the transition easier.

In light of these various issues, question has been raised as to whether it would be sensible to make further changes to the conversion mechanism. Changes could reduce the need for extensive new transitional provisions and could provide for a more stable revenue stream to manage the preparation and conversion process. To this end, ideas for a revised mechanism have been sounded out with the Law Society's Working Party. These would involve early conversion of all property to an interim status under which subsisting interests would continue to apply, notwithstanding transactions. A process of upgrading each property to full title at a later date would then follow. We made clear that no certificate of good title would be involved in upgrading. I can best describe the response from the Working Party to any idea of departing from automatic conversion to full title as an indication of no encouragement.

We have been working on measures I noted earlier that could be built around the existing 12 year timetable to automatic conversion, to make it more feasible, legally, administratively and financially. We have to satisfy Government that the costs to the public arising from automatic conversion are reasonable to accept. Certainly the costs involved in preparing everything for conversion on a defined date while day to day business carries on will be substantially higher than with a process where the transition is gradual and linked to activity in the market.

We remain firmly of the view that the aim should be to try to bring all property under the new registration system as quickly as the public is willing to accept. Question has been raised as to whether we should just introduce title registration for new land rather than risk more delay from continued debate about the conversion mechanism. I have to accept that if, in 1994 a bill simply applying to new land had been enacted, today about half a million properties would be on the title register. But, the opportunity provided by the great expansion of ownership in the 1990s is past. Having now come so far towards a system for full extension of title registration, I think it best to press on. I believe the legislators who were willing to work so hard in 2003 and 2004 to support a framework for comprehensive

conversion would find it hard to accept that this objective now should be consigned to some uncertain future.

The ***fourth*** area of work has been the other area of major change in 2004, the rectification and indemnity provisions. Here we found another wide range of matters that needed clarification if the provisions are to work efficiently in practice. We have also been grappling with the implications of mandatory rectification in favour of former owners in fraud cases.

The areas needing clarification include the timing for assessing the loss on which indemnity is based; who is eligible to claim indemnity; how indemnity is to be apportioned if there is more than one party suffering loss and the total claim exceeds the cap; and, how costs in proceedings are to be met. Our objective is to ensure that the mechanism is clear and does not generate disputes that will slow down resolution of claims and increase costs for parties. While these clarifications will be numerous, I do not see any points of contention in what is being proposed here.

Mandatory rectification, however, does raise a real point of contention.

As I said earlier, mandatory rectification to the innocent former owner was introduced in 2004 as a measure that would allow the bill to pass while retaining the cap on indemnity in fraud cases. Setting a limit on public exposure to indemnity in fraud cases is not simply a matter of the natural conservatism of civil servants. In the Bills Committee and in the debates in the full Legislative Council, we were challenged as to why any indemnity is being introduced, let alone one limited by a cap. One member summed up the worry thus "it will create a heavy financial burden…which will eventually be shifted to the taxpayers".

Furthermore, as also noted earlier, the objections to allowing an innocent purchaser to retain the property were not simply based on an argument that there was a risk, with the cap, that a former owner would not get the full value of the property. Many people hold a deeply set view that it is right for the former owner to recover the property even if an indemnity of full monetary value would be available in all cases. While Ms Audrey Eu put the case that "there are two sides to a coin. If there is a fraud, there are always two victims…the one who suffers under the prevailing law is the purchaser" this did not sway opinion.

In 2004 we found ourselves on the edge of two pitfalls. On one side, if we considered lifting the cap it would cause fresh anxiety over the weight of liabilities. This might undermine support for the bill while not winning over those wanting to retain the current security for a former owner. On the other side, if we did not address the objection to allowing the risk posed by the cap to a former owner we would also not be likely to secure sufficient support to pass a bill.

The compromise of mandatory rectification was a way past these pitfalls to allow passage of the bill in 2004. But reviewing the effect fully and calmly afterwards, it became clear that by focusing on those pitfalls we had opened up a problem in the heart of the legislation. To put it in Shakespearean terms:

"From forth the fatal loins of these two pitfalls
A pair of star crossed clauses took their life".

On one side the LTO was saying that the common law of property had been replaced, on the other, the mandatory rectification clause effectively re-applies the old *nemo dat* rule. The LTO as it stands is trying to work the miracle of having something that is dead and alive at the same time.

It may seem esoteric to some of you as to why I am so concerned about this. Fraud against title is rare. Even rarer are the cases where it is not detected before there are consequences in terms of innocent purchasers. Why not let things be? Get the LTO started and sort out any questions over this issue if and when any problem emerges.

But, how things will be put right if anything goes wrong is at the heart of whether the legislation will succeed in securing the trust and confidence of the community in the new system. It determines how and on what terms banks are willing to lend money against the security of property. It determines how secure the public feel and whether they will accept the assurance that the LTO seeks to give, that they can rely on the register as proof of title.

Think about the effect of the mandatory rectification rule if it remains as it is. An owner will always be secure against future fraud, but they will pay for that certainty with uncertainty as to when they might lose their property because of discovery of a historic fraud. To try to guard against

that insecurity, the natural tendency before a transaction, whatever the LTO may say, will be to insist upon examination of the historic chain of title, even though that is itself no sure safeguard against fraud. That would take us right back to the inefficiency and essential insecurity that the Land Titles Bill is trying to get us away from.

To address this problem, the Land Registry has proposed that the concept called 'deferred indefeasibility' should be brought into rectification under the LTO. This term gets its meaning by contrast to the idea inherent in some title registration regimes that there is 'immediate indefeasibility', in other words that once you have been registered as owner your title is good against the world, even a defrauded former owner. This is the complete and unequivocal reverse of the *nemo dat* rule. Under 'deferred indefeasibility', in contrast, a purchaser may have his registered ownership removed by rectification in favour of a former registered owner if the purchaser dealt with the fraudster. The purchaser is given security, however, against loss of the property due to any fraud found at an earlier point in the history of the title. Deferred indefeasibility would remove the incentive to go behind the title register to try to investigate the chain of title. It requires a purchaser to take care in his own transaction but does not impose an impractical obligation on him to investigate prior transactions. It is an approach that has been adopted extensively elsewhere and represents a way in which some recognition can be given to the claims of an owner removed from the register by fraud while not undermining that leaven of security for a purchaser that title registration has to give if it is to be fully effective.

I appreciate that proposing this change may raise fresh questions about the application of the cap on indemnity, at least in such cases where the deferred indefeasibility rule, if adopted, would bar a former owner from recovering the property. A decision on whether to keep the present mandatory rectification rule or to adopt deferred indefeasibility and accept its implications is not for me to make. I hope that it will be given in favour of deferred indefeasibility. That will allow us to run a better title registration system from the start, rather than having to start with a more complex, less certain system and live in hope that there may be opportunity to improve it later.

I have summarized briefly four main tasks we have been working through. We have been asked to consider much else. Adverse possession is one example. But we have taken the position that the Land Titles Ordinance

should not be looked on as a coat-rack on which to hang every topical issue of land law and administration. Where issues have not had direct bearing on the registration system itself we have left them to the competent authority – as with updating of land boundaries – or, as in the case of the review of adverse possession being undertaken by the Law Reform Commission, we will await a decision arising out of their expert consideration and will consider whether amendment to the LTO is necessary in the light of their recommendation. Getting a secure framework of title registration started is our priority.

Let me conclude by taking you through the steps for getting the amendment bill into the Legislative Council and putting title registration into operation thereafter.

To be able to issue the final drafting instructions for the amendment bill we are now working on settling the remaining questions with other departments over exceptions to the requirement to register matters before they have effect. We are also seeking direction on changes to the conversion mechanism and whether to replace mandatory rectification with deferred indefeasibility.

Before the bill is then sent to the Legislative Council I intend to give the Law Society Working Party opportunity to look through the whole bill carefully, with all proposed amendments incorporated, so that they can assure themselves and advise members that they are comfortable with the final version.

I hope that we will be able to get the bill into LegCo during 2009. This will be asking a lot of my staff, the draftsman and the long suffering members of the Law Society Working Party. In the interim, we will be reporting to the Legislative Council to prepare the ground for consideration of the amendment bill.

Given the extent of the rewriting that has taken place, however much advanced briefing is given to Legislators, they will want to look at the amendment bill with careful consideration. I cannot presume to speak on their behalf as to how long they will want to examine the bill. All I can venture at this stage is that I think it would be unreasonable to expect them to pass the bill before the end of 2010 if we get it to them within 2009.

To ensure that there is as little delay as possible between enactment of the amendment bill and the time that title registration can then commence, we have already started work on design and development of IT systems to support title registration. Drafting of the various sets of rules that will go with the Ordinance is being undertaken. We aim to have all systems, rules and guidelines pretty well ready by the time the amendment bill is enacted, so that we can immediately give notice of a commencement date and start the full scale education and training programme needed to get public, practitioners and the registry ready to launch title registration. We aim to be able to set a commencement date that will fall within one year of the date of enactment of the amendment bill.

I would like to emphasize one final point. Irrespective of whatever decision is made over the next few months over changes to the conversion mechanism, when title registration begins it will apply initially just to new land – that is any land for which a lease is granted after commencement, including a new lease by way of surrender and regrant. Before you are faced with having to use the new system for all property, there will be a period during which you can learn and prepare for full-scale operation through application of the LTO procedures to new land.

So, that is where title registration stands today. There is still hard work to be done and a couple of key decisions to take but then an amendment bill can be put to the Legislature. The amendment bill does not aim at some impossible idea of perfection, simply a system that can be operated efficiently and easily from the start by solicitors and by the Land Registry, for the lasting benefit of the public. To conclude as I began, with Shakespeare, I trust that "this bud" of title registration "may prove a beauteous flower when next we meet".