Land, title and the security of property

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

Early grants and leases

A financial centre depends on secure property rights. Land is the most important form of collateral. A mortgage is worth only as much as the title on which it rests. Singapore's land law developed slowly from uncertain beginnings. From the founding to the middle of the nineteenth century, land was granted in a disorderly fashion: leases were issued for a variety of terms ranging from 999 years through 99 years and 60 years to 15 years.[1] Until 1858 the East India Company controlled land grants, after which title derived originally from the British Crown.[2]

The 999-year leases of the early settlement survive to this day. They are a characteristic feature of the Singapore property market, where they are treated as the equivalent of freehold. They illustrate the long shadow cast by the land policies of the Company. The variety of tenures, however, also created confusion, which later governments had to resolve.

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Deeds registration

For most of the nineteenth century, Singapore had no proper system of registration and no proper survey of the lands, which led to widespread boundary disputes and revenue losses for the state.[3] In 1880 the Governor, Sir Frederick Weld, recommended the adoption of the Torrens system, which had been developed in South Australia. The legislation that followed in 1886, including the Registration of Deeds Ordinance (No. XIII of 1886), established a system of deeds registration.[4]

Deeds registration records the documents by which land is transferred and gives priority to registered documents, but it does not guarantee title. A purchaser or lender must still examine the chain of title to ensure that each transfer was valid. Because the system reduced uncertainty without removing it, title investigation remained a significant part of the work of the Singapore conveyancer for another century.

The Torrens system

The Torrens system, in which the state maintains a register of titles and guarantees the title recorded in it, was finally introduced by the Land Titles Ordinance 1956. The process from the first proposal to the commencement of the system took more than seventy-five years, longer than any other law reform in Singapore's history.[5] The adoption of an Australian model in a colony whose law was otherwise English shows that the colonial legal order borrowed from across the empire where it found better solutions.

Under the Torrens system the register is conclusive, so that a purchaser or lender can rely on it without investigating the history of the title. The system reduces the cost and risk of property transactions and makes land a more reliable form of collateral. The Land Titles Act, successor of the Ordinance of 1956, governs the registration of land in Singapore today. The conversion of land from the old deeds system to the register was completed over the following decades.[6]

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Property rights and the financial centre

The history of land title illustrates a broader point. The legal foundations of a financial centre are laid over long periods, and many remain invisible to the casual observer. A bank that lends against Singapore property today relies on a register created by a law of 1956, whose origins go back to a recommendation of 1880, and on leases whose terms were fixed in the first decades of the settlement. The reliability of these institutions is taken for granted, but it was achieved through a century of reform.

The same applies to the other legal institutions examined in this chapter. The court established by the Charter of 1826, the common law received through it and the commercial law imported through the ordinance of 1878 formed the legal infrastructure on which the banks, insurance companies and agency houses of the colonial era built their business. The financial centre of the twentieth and twenty-first centuries inherited this infrastructure and developed it.

Notes

1. B.L. Chua, "Land Registration in Singapore and the Federation of Malaya", *University of Malaya Law Review*, vol. 1, no. 2, December 1959: "Leases for a variety of terms ranging from 999 years, through 99 years and 60 years to 15 years were issued." ↩
2. B.L. Chua, "Land Registration in Singapore and the Federation of Malaya", *University of Malaya Law Review*, vol. 1, no. 2, December 1959: before 1858 the Company controlled land grants; thereafter "title to land was derived originally from the British Crown". ↩
3. B.L. Chua, "Land Registration in Singapore and the Federation of Malaya", *University of Malaya Law Review*, vol. 1, no. 2, December 1959, on the absence of "proper system of registration" and "proper survey of the lands". ↩
4. B.L. Chua, "Land Registration in Singapore and the Federation of Malaya", *University of Malaya Law Review*, vol. 1, no. 2, December 1959: Weld

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recommended the Torrens system in 1880; the Registration of Deeds Ordinance (No. XIII of 1886) established a deeds registry. ↩

5. Alvin W.L. See, "The Torrens System in Singapore: 75 Years from Conception to Commencement", *American Journal of Legal History*, vol. 62, no. 1, 2022, pp. 66–87 (abstract: "the entire process took over 75 years, far longer than any other law reform the country has experienced"). ↩

6. On the Land Titles Act (Cap 157) and the conversion of unregistered land to the Torrens register, see the articles in the *Singapore Academy of Law Journal* on the Torrens system, including "Whither Torrens Title in Singapore?" (2010) 22 SAcLJ 9. ↩

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Author contact: Dr Alexander Ressos, TEP · contact@ressos.com