

11 October 2002

Land Survey Authority Circular 3/2002

Legal Standing of a Deed Poll Effecting Land Sub-division

There is a need for the Land Survey Authority to ascertain the legal standing of a deed poll effecting a division of land if it is not accompanied by land boundary survey plan duly certified by an Authorized Land Surveyor (ALS). The legal advice from the Department of Justice was sought and the advice was:

“The Land Registrar can refuse registration of a deed poll effecting a division of land if the deed poll is not accompanied by a land boundary plan signed and certified by an authorized land surveyor in the specified form. However, s.30(1) does not require a deed poll, which is a legal document, to satisfy the requirements provided in paragraphs (a) and (b) of s.30(1) before it can be effective for any other purposes.”

In brief term, the Land Registrar can under the LSO refuse the registration of a deed poll effecting the division of land if it is not accompanied by a land boundary plan duly certified by an ALS. However, the refusal of registration does not invalidate the deed poll as a legal document.