



BERMUDA

REGISTRAR-GENERAL (RECORDING OF DOCUMENTS) ACT 1955

1955 : 35

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SCHEDULE  
FORM OF NOTICE TO REGISTRAR-GENERAL

*[preamble and words of enactment omitted]*

Interpretation

1 In this Act, unless the context otherwise requires—

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“authorized officer” means the Registrar-General and includes any other officer authorized by regulations made under this Act to perform any functions thereunder;

“depositor”, in relation to any document submitted for recording and registration under this Act, means the person depositing that document in the office of the Registrar-General for that purpose;

“Minister” means the Minister responsible for the Registry General;

“prescribed” means prescribed by regulations under this Act.

*[Section 1 amended by BR 11/2009 reg. 2 effective 6 February 2009]*

Saving for other statutory provisions

2 Except as otherwise expressly provided, nothing in this Act shall be construed so as to derogate from or abridge any provision of any other Act, or of any statutory instrument in force thereunder—

- (a) relating to the recording and custody of documents, to the maintenance of registers and indices, or to the provision of copies of documents or entries in documents, by the Registrar-General; or
- (b) relating to searches for, and inspection of, any such documents, registers or indices as aforesaid.

Recording and registration of documents deposited in the office of the Registrar-General

3 (1) It shall be the duty of the Registrar-General to cause to be recorded and registered any deed, power of attorney or other document which may be deposited in the office of the Registrar-General for recording and registration and which the Registrar-General is authorized or required to record and register.

(2) Any such recording and registration of a document may, at the option of the depositor, be lawfully effected either—

- (a) by the deposit of the original document in the office of the Registrar-General, by the preparation by an authorized officer of a copy of such document, or abstract thereof where such is sufficient to meet the requirements of the Act under which such deposit is made, and by the insertion and retention of the copy or abstract as aforesaid in the appropriate record book; or
- (b) by the deposit of the original document in the office of the Registrar-General, together with a copy of such document or of an abstract thereof in the prescribed form where such is sufficient to meet the requirements of the Act under which such deposit is made; by the comparison of such copy or abstract as aforesaid with the original document by an authorized officer to ensure that it is a true copy or, as the case may be, correct abstract; and by the insertion and retention of such copy or abstract in the appropriate record book.

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(3) Any copy of a document made in pursuance of subsection (2)(a) may be typewritten, photographed or otherwise reproduced by any photographic or mechanical process.

(4) Upon the completion of the recording and registration of any document under this section—

- (a) the original document shall be indorsed to the effect that it has been recorded and registered in the office of the Registrar-General, and such indorsement shall show —
  - (i) the date on which the document was deposited for recording; and
  - (ii) the number and page of the record book in which the copy is retained, and shall be signed by an authorized officer, and
- (b) the original document indorsed in accordance with paragraph (a) shall be made available in the office of the Registrar-General for delivery to the depositor, or, upon pre-payment of the appropriate postal fee, shall be sent to such address as may be notified to the Registrar-General by the depositor.

Inspection of registers and indexes; copying; obtaining certified copies

4 Subject to any regulations made under this Act, the Registrar-General, upon the application of any person and upon the payment of the appropriate fee specified shall—

- (a) allow that person to inspect and examine any document recorded and registered under this Act, or any register or index maintained thereunder; and
- (b) allow that person to copy or make extracts from any such document, register or index as aforesaid; and
- (c) cause to be prepared and furnished to that person a copy of any such document, register or index as aforesaid, sealed and certified by an authorized officer to be a true copy thereof.

Minister may make regulations

5 (1) The Minister may make regulations for carrying the foregoing provisions of this Act into effect; and without prejudice to the foregoing provision, regulations made as aforesaid may provide—

- (a) for requiring the maintenance by the Registrar-General of registers and indices of documents recorded and registered in pursuance of this Act;
- (b) with respect to the insertion in record books of documents deposited for recording and registration under this Act and for prescribing which classes of documents are to be inserted and retained in each record book;

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- (c) for prescribing the safeguards to be observed in connection with the custody of documents, record books, registers and indices maintained under this Act;
- (d) for specifying the form, including the material and size of pages, of copies of documents submitted in pursuance of section 3(2)(b);
- (e) for specifying the conditions under which any of the documents, record books, registers and indices maintained under this Act may be inspected, examined or copied;
- (f) for specifying the public officers who are to be authorized officers for the purposes of this Act; and
- (g) with respect to the sealing of certified copies of documents, or entries in registers or indices, furnished under this Act.

(2) Regulations made as aforesaid shall not prescribe fees otherwise than as specified in this Act.

(3) The negative resolution procedure shall apply to regulations made under this section.

Registrar-General may issue study or research ticket

6 Without prejudice to anything in the foregoing provisions of this Act, the Registrar-General may, in his discretion, and upon payment of the fee specified in regulations made under the Government Fees Act 1965 [*title 15 item 18*], issue to any person who satisfies him that he wishes to read, or take extracts from, any of the documents, record books, registers or indices maintained under this Act for the purposes of study or research, and otherwise than for business purposes or professional practice, a ticket in a form approved by the Registrar-General and renewable annually, allowing access during ordinary office hours to any such documents, record books, registers and indices as aforesaid.

Functions transferred to Registrar-General on 1 June 1956 and later

7 [*Repealed by 2017 : 9 s. 10*]

[*Section 7 repealed by 2017 : 9 s. 10 effective 20 February 2017*]

Recording and registration of mortgages and other conditional conveyances of property (other than land)

7A The Registrar-General shall be the authority for recording and registering mortgages and other conditional conveyances of property (other than land) under the Mortgage Registration Act 1786.

[*Section 7A inserted by 2020 : 1 s. 4 effective 20 February 2017*]

Change in ownership of freehold estate not by way of mortgage to be registered

8 [*Repealed by 2017 : 9 s. 10*]

[*Section 8 repealed by 2017 : 9 s. 10 effective 20 February 2017*]

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Change of name by deed poll

9 (1) The Registrar-General is authorized, upon payment of such fee as may be prescribed under the Government Fees Act 1965 [*title 15 item 18*] and subject to this section, to record and register deeds poll evidencing the change of name of Commonwealth citizens resident in Bermuda.

(2) Any Commonwealth citizen resident in Bermuda of or over the age of eighteen years may make application to the Registrar-General for the recording and registration of a deed poll evidencing the change of his name and, additionally or alternatively, the change of name of such person as, under this section, he may lawfully change.

(3) The following persons are authorized to change the name of another by means of a deed poll recorded and registered by the Registrar-General—

- (a) the parent or guardian of an unmarried minor child may change the name of that child, so however that—
  - (i) if the child is of or above the age of fourteen years his consent thereto shall be endorsed upon the deed and signed by him and his signature shall be witnessed by two persons who are not members of the household of the maker of the deed;
  - (ii) if the Registrar-General has received notice given by or on behalf of a parent who is not a party to the deed poll that such parent objects to the change of name, then the Registrar-General shall not record and register such deed poll unless directed by the Supreme Court so to do, and in the exercise of its powers to give a direction under sub-paragraph (ii) the Supreme Court shall make such order as it may think fit having regard to the interests of the child and all the circumstances of the case;
- (b) a married person may change the name of his spouse; but in any such case—
  - (i) the consent of his spouse thereto shall be endorsed upon the deed and signed by such spouse; and
  - (ii) where in the same deed the maker thereof alters the name of any child under the authority conferred upon him by this section, being a child of which his spouse is a parent, such signature by the spouse shall be sufficient evidence of the consent of the spouse to the change.

(4) No deed poll evidencing a change of name shall be recorded and registered by the Registrar-General unless notice of the application in the prescribed form—

- (a) has been published in a newspaper circulating in Bermuda not less than fourteen days nor more than three months prior thereto; and
- (b) in the case of a deed poll altering the name of a minor child made by one parent of the child during the lifetime of the other, has been served on the other parent in such manner as the Registrar-General may require or has been otherwise brought to that parent's attention:

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Provided that nothing in this paragraph shall require such notice to be served on a parent who consents to the change and, provided further, that the Registrar-General may dispense with the requirements of this paragraph if he is of the opinion that compliance herewith is not reasonably practicable.

(5) Section 62 of the Supreme Court Act 1905 shall be deemed to extend to the making of rules under that section to regulate the practice and procedure on an application to it by a person seeking the direction of the Supreme Court under subsection (3)(a)(ii).

(6) The following shall not be regarded as a change of name for the purposes of this section—

- (a) any such alteration in the name of a child as is mentioned in section 10 of the Registration (Births and Deaths) Act 1949 [*title 28 item 1*];
- (b) the alteration of the name of a child upon its adoption;
- (c) the taking of her husband's surname by a woman upon her marriage or the resumption of any former surname by a woman upon a change in her marital status or if she is deserted by her husband.

(7) In this section—

“child” includes a child adopted under the laws of Bermuda;

“minor child” means a child under the age of eighteen years;

“name” includes a given name or a surname;

*[Section 9 amended by 2002:36 Sch para 26 effective 19 January 2004]*

Voluntary recording of documents

10 (1) The Registrar-General is authorized, upon payment of such fee as may be prescribed under the Government Fees Act 1965 [*title 15 item 12*], to record and register any deed or other instrument although the same shall not be required by law to be recorded or registered.

(2) Where application is made to the Registrar-General to record and register under subsection (1) any deed or other instrument which is required to be or which may be recorded or registered under any other statutory provision the Registrar-General may, if he considers that the deed or instrument ought properly to be recorded or registered under that provision, refuse to record and register the deed or other instrument under subsection (1).

Transitional

11 [*omitted*]

Amendment of Evidence Act 1905

12 [*original section 9*]*[omitted]*

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Repeal

13 *[original section 10]omitted*

Commencement

14 *[original section 11]omitted*

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SCHEDULE  
FORM OF NOTICE TO REGISTRAR-GENERAL

*[Schedule repealed by 2017 : 9 s. 10 effective 20 February 2017]*

[Assent Date: 3 May 1955]

[this Act was brought into operation on 1 June 1956]

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*[Amended by:*

1956 : 6  
1968 : 48  
1968 : 156  
1970 : 270  
1971 : 116  
1975 : 68  
1977 : 35  
1981 : 71  
1999 : 31  
2002 : 36  
2007 : 16  
BR 11 / 2009  
2017 : 9  
2020 : 1]