

Roadmap to the Proposed Changes

#	Current Law reference	Amendment Law reference	Legislative Change	Summary of Change
1.	Art. 5 - Purpose of this Law	Art. 5 - Purpose of this Law	Existing - amended	Introducing separate definitions of Real Property Interests and Real Property Rights to differentiate between ownership interests and other interests.
2.	Art. 13 - Seal of office	Art 14. - Stamp of office	Existing - amended	Replacing Registrar's seal of office with Registrar's stamp of office.
3.	Art. 15 - Contents of Register	Art. 16 - Contents of Real Property Register	Existing - amended	Redefining the Register as the Real Property Register in order to differentiate between the act of Registration and the actual Real Property Register.
4.	Art. 16 - Information Registrar shall record	Art. 17 - Information Registrar shall Register	Existing - amended	Clarifying the provisions related to information that the Registrar shall Register and starting to remove all references to the recording of interests. Also introducing a definition of Instruments. <i>See paragraphs 26 and 28-31 of the Consultation Paper.</i>
5.	Art. 17 - Information Registrar may record	Art. 18 - Information Registrar may Register	Existing - amended	Clarifying the provisions related to information that the Registrar may Register.
6.	Art. 18 - Duty to create instrument and lodge for registration	Art. 19 - Duty to create Instrument and lodge for Registration	Existing - amended	Introducing the concept of the Transfer Instrument as the Approved Form produced by the RORP as the only way of transferring a Real Property Interest. <i>Please refer to paragraphs 28 - 31 of the Consultation Paper.</i>
7.	Art. 19 - Registrar's duty to register instruments	Art. 20 - Registrar's duty to Register Instruments	Existing - amended	Clarifying the provisions related to the Registrar's duty to Register Instruments.
8.	Art. 30 - Quality of registered interests	Art. 30 - Quality of Registered Real Property Interests	Existing - amended	Clarity on the legal status of registered and unregistered Real Property Rights and Real Property Interests.
9.	Art. 31 - Exceptions to Article 30	Art. 31 - Exceptions to Article 30	Existing - amended	Reflecting the change later in the Amendment Law to the reduction in a registrable lease term of 6 months and removing scenarios where 2 or more Folios exist over the same Lot as this is not possible. <i>Please refer to paragraph 22 of the Consultation Paper.</i>
10.	Art. 35 - Sale or initial lease occurring after commencement of this Law	Art. 35 - Sale occurring after commencement of this Law	Existing - amended	Removing the obligation for the RORP to create a Folio for leases created as this was never done in practice.
11.	Art. 36 -Sale or initial lease occurring before commencement of this Law	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as no longer relevant.
12.	Art. 37 - Creation of folio	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as no longer relevant.

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	on Registrar's initiative			
13.	Art. 38 - Creation of folio on primary application: general	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as no longer relevant.
14.	Art. 39 - Creation of folio on primary application: units in buildings	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as no longer relevant.
15.	Art. 40 - Cancellation of title documents	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as no longer relevant.
16.	Art. 41 - Information to be included in folio	Art. 36 - Information to be included in Folio	Existing - amended	The word "record" will be replaced with "Register" throughout the provision. <i>Please refer to paragraph 26 of the Consultation Paper.</i>
17.	Art.43 - Registering co-owners	Art. 37 - Registering co-owners	Existing - amended	The word "record" will be replaced with "Register" throughout the provision. <i>Please refer to paragraphs 26 of the Consultation Paper.</i>
18.	Art. 44 - Body corporate may hold real property as joint tenant	Art. 38 - Corporate entity may hold Real Property as joint tenant	Existing - amended	Clarifying the provision that a corporate entity is capable of holding Real Property not only as a joint tenant, but as tenants in common with another Person, including another corporate entity.
19.	Art. 46 - Severing joint tenancy	Art. 40 - Severing a joint tenancy	Existing - amended	Clarifying the provision that when a joint tenancy is unilaterally severed by one joint tenant by way of Registered Transfer to itself that the co-ownership status of the Real Property shall revert to shall revert to that of tenants in common in equal shares. The timeframe for serving the Transfer Instrument on all other joint tenants will be changed to 10 days.
20.	N/A	Art. 41 - Conversion of tenants in common to joint tenancy	New provision	Introducing a new provision relating to the conversion of tenants in common to joint tenants, whereby persons who are the owners of Real Property as tenants in common may mutually agree to merge their ownership interests into that of a joint tenancy by a Registered Transfer to themselves.
21.	Art. 47 - Registering transfer	Art. 42 - Registering a Transfer	Existing - amended	Clarifying that a Registered Real Property Interest may only be transferred by Registering a Transfer Instrument. <i>Please refer to paragraphs 28-31 of the Consultation Paper.</i>
22.	Art. 49 - Merger	Art. 44 - Merger	Existing - amended	Adding a reference to the principles of English common law and equity to the doctrine of merger provisions applicable upon the Registration of a Transfer Instrument to give effect to a contract for the sale of Real Property.
23.	Art. 53 - Lease of real property	Art. 48 - Lease of Real Property	Existing - amended	Enhancing the provisions related to the lease of Real Property and clarifying that Real Property may be leased, subject not only to the Amendment Law, but also to the proposed DIFC Leasing Law. Changing the requirement to register leases from leases with terms exceeding

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				1year to exceeding 6 months. <i>Please refer to paragraph 22 of the Consultation Paper.</i>
24.	Art. 58 - Options to renew or purchase	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law. <i>See paragraph 24 of the Consultation Paper.</i>
25.	Art. 60 - Termination of lease following lessee's default	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as it shall be dealt with in the proposed DIFC Leasing Law.
26.	Art. 61 - Surrendering a lease	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as it shall be dealt with in the proposed DIFC Leasing Law.
27.	Art. 62 - Implied powers of lessors and termination for breach	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as it shall be dealt with in the proposed DIFC Leasing Law.
28.	Art. 71 - Implied powers of mortgagees	Art. 62 - Powers of Mortgagees	Existing - amended	The Amendment Law proposes to change the notice period given to the Mortgagor to the Mortgagee to exercise its powers in the event of a default from 30 days to 60 Working Days. Also there is an addition of a requirement for such notice to be served on the RORP.
29.	Art. 96 - Covenants in gross permitted	Art. 87 - Covenants in Gross permitted	Existing - amended	The addition of a statement that Part 12 does not apply to the Registration of the Master Community Declaration as a Covenant in Gross under Part 24.
30.	Art. 103 - Duration of covenant	Art. 94 - Duration of Covenant	Existing - amended	The Amendment Law proposes to change the period of a Covenant's enforceability from 10 years to the period specified in the Instrument.
31.	Art 105 - Dealing by trustee	Art 96 – Dealing by trustee	Existing - amended	The wording was amended to clarify the intention of the Article in terms of dealing with trustees.
32.	Art. 116 - Who may lodge a caveat?	Art. 107 - Who may Register a Caveat?	Existing - amended	Clarifying the principals of who may lodge a Caveat and in what circumstances it may be registered.
33.	Art. 121- Withdrawal of caveat	Art. 112 - Withdrawal of Caveat	Existing - amended	Addition of requirement that an Approved Form of withdrawal Instrument be used for withdrawing a Caveat.
34.	Art. 122 - Lapsing of caveat	Art. 113 - Lapsing of Caveat	Existing - amended	The Amendment Law proposes to increase the period from when the Caveat lapses from 30 days to 60 days after notice is served on the Caveator.
35.	N/A	Art. 134 - Minors	New provision	Introducing a new provision clarifying that where a proposed Registered Owner is a Minor, the Minor shall not be the Registered Owner in the Folio. The Minor's appointed guardian shall be the Registered Owner and the RORP shall Register a Caveat noting the beneficial ownership interest of the Minor.
36.	N/A	Art. 138 - Registration does not impute validity or enforceability	New provision	Introducing a new provision clarifying that the Registration of an Instrument does not in itself impute or imply the validity or legal enforceability of the subject matter of the Instrument which at all times remains subject to the contractual and statutory rights and obligations of the parties to the Instrument.

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37.	Art. 147- Subdivision of buildings	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law as it shall be dealt with in detail in the amended Strata Title Law.
38.	Art. 153 - Registrar may approve forms	Art. 145 - Registrar may issue Approved Forms	Existing - amended	Clarifying the power of the RORP to issue, amend, substitute and remove any redundant Approved Forms of Instruments from time to time in the RORP's absolute discretion.
39.	Art. 162 - Entitlement to search Register	Art. 154 - Entitlement to search Folio and Instruments	Existing - amended	Enhancing this provision by specifying who can apply for Official Search Certificates of Folios and Instruments and how and giving rights to recourse from the Assurance Fund in the event of an error.
40.	Art. 165 - Final official searches	N/A	Existing - deleted	Entire provision will be removed from the Amendment Law. <i>Please refer to paragraphs 19-20 of the Consultation Paper.</i>
41.	N/A	Arts 156 – 161 Off Plan Register and other headings.	New provision	Introducing an Off Plan Register specifically for the RORP to register Developers of Strata Developments, Off Plan Developments and Off Plan Sales. Requirement for Developers to be appropriately licensed to conduct development activities in the DIFC, to set up Escrow Accounts and to introduce an off plan disclosure regime to Prospective Owners. Enhancing the powers of the RORP to approve the documents to be used during Off Plan Sales such as the Off Plan Sale Agreements and Disclosure Statements providing details of the Off Plan Development to Purchasers. <i>Please refer to paragraphs 16-18 of the Consultation Paper.</i>
42.	N/A	Art. 162 - Construction Defect Rectification	New provision	Introducing obligations on the Developer with respect to non-structural defects and structural defects to buildings, and enabling the RORP to issue an Order against the Developer. <i>Please refer to paragraph 25 of the Consultation Paper.</i>
43.	N/A	Art. 163 - Mortgagee's priority	New provision	Introducing a new provision with respect to the ranking of priority where a Mortgagee consents to the Off-Plan sale of Lots.
44.	N/A	Art. 164 - Registered Owners and Occupiers Bound by Master Community Declaration	New provision	Clarification of the legal status of the Master Community Declaration, the parties whom are bound by the same, its status as a Registered Instrument. The provision further entrenches in the Amendment Law the right of the Master Developer to levy Service Charges on Registered Owners.
45.	N/A	Art. 165 – Registrar may Issue Orders	New provision	Introducing the right of the Master Developer to apply to the RORP for an Order that outstanding Service Charges be paid.
46.	N/A	Art.166 – Form and Variation of Master Community Declaration	New provision	Introducing the right of the RORP to approve the form of Master Community Declaration or any variation thereto.
47.	N/A	Art. 173 – Orders by Registrar in relation to	New provision	A general provision introducing the power for the RORP to make Orders (interim or otherwise) against any party contravening the Amendment Law to refrain from an act or pay penalties and/

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		breaches of this Law		or compensation, the timelines for compliance to be dictated by the RORP.
48.	Part 2 of Schedule – Defined terms	Part 3 of Schedule 1- Defined terms	Existing amended and new provisions	A number of definitions have been amended/introduced to comply with the Amendment Law and some previously undefined terms that we felt required defining have been defined.