

**The Government of the Republic of the Union of Myanmar**

**Ministry of Agriculture, Livestock and Irrigation**

**Registration of Deeds Rules**

**Notification No.299 /2019**

**The 12th Waxing Day of Tawthalin, 1381 M.E.**

**(10 September 2019)**

The following Rules are issued by the Ministry of Agriculture, Livestock, and Irrigation with the approval of the Union Government by exercising power conferred in accordance with subsection (a) of section 86 of the Registration of Deeds Law.

**Chapter I**

**Title and Definitions**

1. These rules shall be called the Registration of Deeds Rules.
2. The expressions contained in these rules shall have the same meanings as contained in the Registration of Deeds Law. In addition, the following expressions shall have the meaning as given below:
  - (a) Law means the Registration of Deeds Law;
  - (b) Form means any form specified in these rules;
  - (c) Appendix means any appendix described in these rules;
  - (d) Registration Fee means any fee to be paid by the person presenting the deed for registration at the rate of fees published in the Gazette in accordance with section 68 of the Law;
  - (e) Register means sheets of papers filed as a part of a book or a book used for recording deeds registered under the law and documents related to those deeds. Electronic Records are also included in this expression;
  - (f) Recording means copying and attaching the deeds presented for registration in any relevant Register. This expression also includes making electronic records and archives.

**Chapter II**

**Opening Registration of Deeds Offices and Designating the Area of Jurisdiction**

3. The areas of jurisdiction of the Registration of Deeds Offices of the Region or State or the Union Territory opened in accordance with section 9 of the Law shall be as the administrative boundary of the Region or State or the Union Territory.

4. The areas of jurisdiction of the amalgamated offices as the City Registration of Deeds Office in accordance with section 10 of the Law shall be as the administrative boundary of those townships.
5. The areas of jurisdiction of the Township Registration of Deeds Office opened in accordance with section 11 of the Law shall be the same as the administrative boundary of that township.
6. The Director General shall open the Township Registration of Deeds Offices mentioned in section 11 of the Law depending on the circumstances to be able to operate in accordance with the Law and Rules.
7. During the period when a registration of deeds office cannot be opened in a township, the Director-General shall determine a registration of deeds office for that township to register the deeds.

### **Chapter III**

#### **Processing of Registration for Submitted Deeds**

8. An eligible person to present a deed for registration shall apply for registration of deed by using Application Form (1), on which stamps were duly affixed under the Court-Fees Act, signed by the applicant together with the original deed.
9. The person who applies for registration of deed is responsible to present the evidence related to the contents of the deed to the Registrar mentioned in section 7 or section 8 of the Law.
10. The Registrar mentioned in section 7 or section 8 of the Law shall carefully examine the deeds presented for registration whether they conform with relevant provisions of sections 16, 17, 18, 20, 21, 22, 23 (a), 24, 25, 26, 32 (c), 32 (d) and 39 of the Law according to the category of deeds.
11. Two sets of certified map and history of holding attached with the deed in accordance with section 20 of the Law shall be those presented within a year from the date issued by the relevant Government department or organization.
12. In checking the time to present the deed for registration as specified under section 21 and subsection (c) of section 23 of the Law, if the ending date of the said time is a holiday, the working day following the said date shall be considered as the permitted time for registration.
13. To be able to check the date of arrival in the Union for any deeds executed outside the Union, the applicant shall present adequate evidence to the Registrar mentioned in section 7 or section 8 of the Law.
14. In checking the date of last signing on the deed executed by more than two persons under section 22 of the Law, only the dated signatures of executants shall be taken into account.

15. With regard to registration of deed, affirmation of the executant to the Registrar mentioned in section 7 or section 8 of the Law shall be made within 120 days from the date of execution under subsection (a) of section 31 of the Law.
16. Any deed on which revenue stamps were not sufficiently affixed in accordance with subsection (d) of section 32 of the Law shall be refused. Those deeds shall be sent to the relevant internal Revenue Department for impounding under section 33 of the Myanmar Stamp Act.
17. An eligible person to present a deed for registration may appeal to the Registrar mentioned in section 5 of the Law after fulfilling the requirement for the deed being refused to register under rule 16 of the Law in accordance with the Myanmar Stamp Act.
18. The Registrar mentioned in section 7 or section 8 of the Law shall carefully check the persons who present the deed for registration whether they comply with any of relevant provisions mentioned in sections 30, 31, 32 (a), 32 (b), 32 (e), 33 (a), 34 (b), 38, 43, 45, and 46 of the Law by different categories of deed.
19. A person who presents the deed for registration shall present the following evidence to the Registrar mentioned in section 7 or section 8 of the Law:
  - (a) certificates identified the citizenship held by the persons who present the deed for registration;
  - (b) certified copy of decree or order of a court, in the case of presenting by the beneficiaries in accordance with the decree or order of a court;
  - (c) evidence of representativeness if a representative presents on behalf of a minor or a lunatic;
  - (d) the registration card of a department, an organization, a company, or an association and the meeting minute of resolution to act as a representative if a person acts on behalf of them, the original evidence of assignment by the authorized person of the relevant government department or organization in the case of government department or organization;
  - (e) the original copy of the power of attorney, evidence of principal's existence and evidence proving that the power of attorney has not been withdrawn yet, in case the holder of the power of attorney implements.
20. In checking made by the Registrar mentioned in section 7 or section 8 of the Law under rule 18, the person presenting the deed for registration and those who are related to the deed shall be interrogated orally. However documentary evidence may be checked if necessary.

21. In implementing inspections by the Registrar mentioned in section 7 or section 8 of the Law, evidence related to the statement of examinee may be received and examined if necessary.
22. In examining any deed by the Registrar mentioned in section 7 or section 8 of the Law in accordance with rules 10 and 18, it shall be refused after recording in Register No. (2), if it is not in accordance with the other points to be examined except the provisions of sections 21, 22, 24, 25 and 26 of the Law.
23. In case of refusal of the deed presented for registration as it is not in the areas of jurisdiction of the relevant Registrar in accordance with sections 25 and 26 of the Law, the Registrar mentioned in section 7 or section 8 of the Law shall:
  - (a) open a record book and write such refusal in it without endorsing the refusal in the deed and recording in Register No. (2);
  - (b) return the deed to the person presenting for registration after writing that it has been returned as it is not in accordance with section 25 or 26 of the Law in the record book.
24. When the Registrar mentioned in section 7 or section 8 of the Law receives any application presented under subsection (a) of section 23 of the Law, copy of the deed which has been endorsed shall be submitted to the Registrar mentioned in section 5 of the Law together with a formal letter.
25. When the Registrar mentioned in section 5 of the Law receives the submission under rule 24, after checking in accordance with subsection (c) of section 23 of the Law, the Registrar shall:
  - (a) pass an order to register the deed, if it is allowed to register, by specifying a fine to be paid by the person presenting for registration;
  - (b) pass an order to return the deed to the relevant person, if it is refused to register, after recording the section of the Law and the reason for refusal in the deed and Register No. (2),
26. Upon receiving the order under subrule (a) of rule 25, the person may proceed with the application for registration of the deed in the relevant Registration of Deeds Office within 30 days from the issued date, and upon receipt the order under subrule (b) of rule 25, he may apply for registration of the deed to at the relevant court within 30 days from the issued date.
27. Although any fact inconsistent with any provision of sections 21, 22 and 24 of the Law is found in checking a deed, the Registrar mentioned in section 7 or section 8 of the Law shall refuse the deed after recording in Register No. (2) without applying the provision of rule 24 if it is a deed to be refused under rule 22.

28. Any deed shall be accepted for registration if it is found in conformity with the provision of Law in checking under rules 10 and 18. Upon acceptance, it shall be proceeded in accordance with the provisions mentioned in chapter (V) of these rules.

#### **Chapter IV**

##### **Accepting Deposit of Wills and Registration of Deeds of Kittima Adoption**

29. The Registrar mentioned in section 7 or section 8 of the Law shall scrutinize and accept only the deposited will which has been completely done in accordance with the provisions mentioned in section 38 and 39 of the Law.
30. The testator or agent or witness shall write their names together with their father's names, their Citizenship Scrutiny Card Numbers or National Registration Card Numbers, full addresses, and sign on the sealed cover of deposited will.
31. The persons presented the will shall be examined whether they are the persons superscribed on the sealed cover of deposited will under section 39 of the law.
32. In checking superscription on the sealed cover under section 40 of the Law, if it is stamped on the seal of cover, any alphabet or mark on the seal shall also be recorded in Register No. (5).
33. The Registrar mentioned in section 7 or section 8 of the Law Shall date and sign after completely writing respective facts to be recorded in Register No. (5) under section 40 of the Law.
34. Any will shall be kept in safety box until the time of application to the Registrar for opening the will in accordance with subsection (a) of section 42 of the Law, if the will is not yet returned to the deposited person under section 41 of the Law or the court does not inform that the registrar shall submit the will under subsection (c) of section 42 of the Law.
35. The contents contained in the will kept under section 40 of the Law and the matters to the proceeded according to the will shall not be concerned with the Registrar mentioned in section 7 or section 8 of the Law.
36. In returning the seated will deposited under section 41 of the Law, returning and receiving shall be noted in the remark column of Register No. (5) and the recipient and the Registrar mentioned in section 7 or section 8 of the Law shall sign.
37. The persons related to the will shall present evidence of the death of the testator when applying for opening the sealed will under subsection (a) of section 42 of the Law.

38. The Registrar mentioned in section 7 or section 8 of the Law shall completely record the reason for opening in Register No. (5) and sign when opening in accordance with subsection (a) or (d) of section 42 of the Law.
39. In recording the contents contained in the will in Register No. (3) after opening the sealed will in accordance with subsection (a) or (d) of section 42 of the Law, the reason of opening the will shall be recorded altogether.
40. By the time of recording in accordance with rule 39, if the persons related to the will apply for a copy of the will, the true copy shall be issued after the specified fees have been paid by the applicant.
41. In submitting the sealed will to the court after opening it under subsection (d) of section 42 of the Law, the original will shall be submitted to the court only after the relevant persons have already paid the fees for opening the sealed cover and copying the will.
42. The Registrar mentioned in section 7 or section 8 of the Law shall accept and register the will presented for registration in accordance with the provision of section 43 of the Law and Deeds of Kittima Adoption presented for registration in accordance with the provision of section 46 of the Law like other deeds after checking the facts in accordance with the provisions of these rules.

## **Chapter V**

### **Writing Endorsements in the Deed for Registration**

43. The Registrar mentioned in section 7 or section 8 of the Law shall write page numbers in numerical order at the top right corner of all pages (including back sides) of any accepted deed for registration in red ink and sign in initial.
44. The Registrar mentioned in section 7 or section 8 of the Law shall write down the findings in the related deed in red ink as endorsement and sign in black ink when checking it in accordance with rules 10 and 18.
45. In the checked and accepted deeds for registration except the sealed will deposited under section 38 of the Law, the Registrar mentioned in section 7 or section 8 of the Law shall:
- (a) write down the endorsement which indicates that it has been submitted for registration in accordance with clause (1) of subsection (a) of section 50 of the Law, on the back of the first page of the document as prescribed in Appendix (1);
  - (b) write down the endorsement which indicates that the stamp duty has been fully paid according to schedule (1) in section 3 of Myanmar Stamp Act, and that the deed has been accepted according to

the Registration of Deeds Law and the total amount of registration fees received. Endorsement shall be written as prescribed in Appendix (2);

(c) describe the fine, if any liability under subsection (c) of section 23 of the Law, together with total amount of registration fee received in Appendix (2).

46. In the checked and accepted deeds for registration, findings under rule 18 of the Law shall be endorsed as below:

(a) any endorsement to be written under clauses (1) and (2) of subsection (a) of section 51 of the Law, shall be written as prescribed in Appendix (3).

(b) any endorsement to be written under clause (3) of subsection (a) of section 51 of the Law, shall be written as prescribed in Appendix (4).

47. A person presenting the deed for registration, executant, agent or representative of executants and witnesses shall not only sign next to the endorsements written on the deed under subrule (a) of rule 45 and subrule (a) of rule 46, but also leave their left thumb impression. If there is no left thumb, the right thumb impression shall be taken. If there is no thumb, the Registrar mentioned in section 7 or section 8 of the Law shall leave a remark of the reason of failing to take thumb impression.

48. In Register of thumb impression, the impression shall be recorded and number of such respective impression shall be written in parallel with the impression taken on the deed.

49. If space is not sufficient to write necessary endorsements in the deed, an empty fine sheet of paper shall be firmly attached to the last page of the related deed and page number shall be serially written, signed and dated at the right top of that page by the Registrar. On that page, endorsements may be written down.

50. The Registrar mentioned in section 7 or section 8 of the Law shall write words, "See endorsements on page --- -" on the first page of the deed without affecting words of the deed, date and sign in order to see page numbers of endorsements.

51. Findings in checking evidence related to the date of arrival of the deed in the Union under rule 13 shall also be written as endorsement, dated and signed.

52. The statement recorded according to subsections (b) and (c) of section 54 of the Law, may be kept separately by opening a book and its serial number may be described in the deed. If necessary, a brief of the statements may be written down in the deed as endorsement. The examinees shall let be signed on that endorsement and the Registrar shall date and sign.

53. Endorsements to be written according to the Law and these rules may be turned into stamps to use uniformly in all Registration of Deeds offices.

## Chapter VI

### Keeping Records of Registered Deeds

54. Keeping records of registered deeds at the City Registration of Deeds Offices and the Township Registration of Deeds Offices shall be done by using the relevant Registers under rule 55 or electronic record or both methods as appropriately as possible.
55. Registers shall be categorized and opened in order to record the deeds registered at the City Registration of Deeds Offices and the Township Registration of Deeds Offices as follows:

#### **(a) Register No. (1)**

##### **Register of deeds relating to the transfer of immovable properties**

This register shall be opened in any form under subrule (a) of rule 56, or subrule (b) of rule 56, and deeds mentioned in subsections (a), (b), (c), (d) and (e) of section 16, or subsections (a), (b), (c) and (h) of section 17 of the Law, shall be recorded;

#### **(b) Register No. (1) Appendix**

##### **Register of deeds sent by the Civil court and other offices**

This register shall be opened in the form prescribed in subrule (b) of rule 56, and the sale certificate and its copy related to the immovable property, copies of court orders or decrees, copies of deeds and records, copies of maps related to the immovable property sent by court, revenue officer, or relevant Government Department or Government Organization under section 83 of the Law shall be recorded in it.

#### **(c) Register No. (2)**

##### **Register for refusal of deeds to register**

This register shall be opened in Form (3) and it shall record the reasons and the section of the Law for refusal.

#### **(d) Register No. (3)**

##### **Register of wills**

This register shall be opened in the form prescribed in subrule (a) of rule 56, or subrule (b) of rule 56, and the registered wills in accordance with section 44 of the Law shall be recorded in it;

#### **(e) Register No. (4)**



**Register for miscellaneousness**

This register shall be opened in the form prescribed in subrule (a) of rule 56, or subrule (b) of rule 56, and deeds mentioned in subsection (f) of section 16, and subsections (d), (f), (g), (i) and (j) of section 17 of the Law, shall be recorded in it;

**(f) Register No. (5)****Register of sealed wills**

This register shall be opened in Form (4) and the sealed wills deposited in accordance with section 40 of the Law shall be recorded;

**(g) Register No. (6)****Register for the authenticated power of attorney**

This register shall be opened in Form (5) and the authenticated powers of attorney in accordance with rules 109 and 110 shall be recorded;

**(h) Register No. (7)****Register of Thumb Impression**

This register shall be opened in Form (6) and thumb impression of the executant who presents deeds for registration, the representative or the person receiving the power of attorney of the executant and the witness shall be recorded.

56. Registers under subrules (a), (b), (d) and (e) of rule 55 may be opened in any of the following forms and sizes:

- (a) Registers No. (1), (3) and (4) to be hand written shall contain 150 large-sized sheets of paper. Those shall be as shown in Form (2);
- (b) Register for printed deeds to be registered shall contain 1.5 inches piece of paper from the binding without using a full page, numbered at the top of the first page but not on the second page (back of the page). 100 sheets of paper shall be contained.

57. Registers shall be used in the form issued by the Department at the respective City Registration of Deeds Offices and the Township Registration of Deeds Offices.

58. In the Registers opened in accordance with subrule (a) of rule 56, after all persons concerned or their representatives or agents have admitted that the deed was executed by mutual consent, the deed shall be handwritten in the relevant type of register after the necessary endorsements have been made.

59. In the left space of the Register, the endorsements and stamp values shall be copied in red-ink. Copies of the signature shall be copied together with the number of thumb impression.
60. In the middle space of the Register, all the words in the deed shall be copied in black ink. Facts written by an official stamp seller or licensed stamp seller in respective deeds, if any, shall be copied inside the middle space in red ink. The signature of the Registrar mentioned in section 7 or section 8 of the Law shall be copied as "Sd/ x x x" in red ink. In the right space, the following facts shall be noted down in red ink:
- (a) in order to write a remark on correction, addition, omission or deletion of words in the Register recorded the contents of the deed, "original error", or "copyist's error" for writing incorrectly by the copyist shall be written and initiated by the Registrar mentioned in section 7 or section 8 of the Law;
  - (b) recording about the destruction of deeds, except wills, which have not been taken back after the expiration of 24 months.
61. If it is necessary to correct any error of copying in any Register, it shall be corrected in ink without using an eraser, correction pen or other methods and the Registrar mentioned in section 7 or 8 of the Law shall initialled for such correction.
62. Copying any correction, addition, omission or deletion of words in the original deed into the Register shall be made in black ink and the entries in the endorsement and corrections shall be copied in red ink.
63. If it is necessary to correct in the Register for additions and corrections due to the copyist's mistake, correction shall be made by using red ink if the original text is in black ink or vice versa.
64. The contents in the deed shall be exactly and completely copied as in origin. After that, another staff member shall check whether the copied texts are correct or not and "Copyist", "Comparer", "True copy", etc. shall be described in the space below it if they are correct and the relevant staff and the Registrar mentioned in section 7 or section 8 of the Law shall sign.
65. The Registrar mentioned in section 7 or section 8 of the Law shall endorse in accordance with Appendix (5), write the number of the deed and sign after accomplishing the procedures in accordance with rule 64 in relation with the accepted deeds which have been presented for registration.
66. Registration of deeds shall be deemed as complete upon completion of the procedures for the registration of presented deeds under rule 65.
67. A number of the registered deeds in respective Registers shall be numbered serially from the date of the commencement to the end of the calendar year. A new serial number shall be used at the beginning of

the next calendar year. The statements for the opening and closing of the new Register Book shall be written in accordance with Appendix (6).

68. Although the calendar year is over and if pages that can be recorded in a Register are left, words, ( ) deeds are totally recorded for ( ) year from Deed No. ( ) to ( )" shall be written on the last page recorded for that year without affecting the original text of the deed and signed by the Registrar.
69. If a copy of the certified map in relation to immovable properties is contained in the deed presented for registration, it shall be affixed to the inner space (the binding side) of the page next to the page where the registered deed has been copied in the Register. The Registrar shall sign and stamp the office seal across the borderline where the certified map meets the map-affixed page such that both sheets are caught.
70. In the Registers opened in accordance with subrule (b) of rule 56, a copy of the deed that has been endorsed necessarily for registration shall be attached and recorded as below:
  - (a) a copy of the deed presented for registration shall be glued to the back side (Un-numbered side) of numbered sheets (column cuts) in the Register;
  - (b) the office seal shall be stamped, signed and dated so that both sides of the column-cut-sheet in the Register and the copy of deed attached to it are caught;
  - (c) at the bottom of the last page of the attached copy of the deed, the copyist and the comparer shall sign, and then the Registrar mentioned in section 7 or section 8 of the Law shall sign and date, by stating the true copy.
71. In the Appendix of Register No. (1), sale certificate and its copy related to the immovable property sent under section 83 of the Law, copies of court orders or decrees, copies of deeds and records, copies of maps relating to the immovable property sent by the court, revenue officer, relevant Government Department or Organization shall be recorded.
72. In recording by rule 71, records, maps and deeds shall be glued to each column-cut sheet by sheet in the Register. A remark describing "On the date of -----, received from the office of -----, which was sent by -----" shall be written across both the cut sheet in the Register and the copy of the deed, dated and signed by the Registrar. The office seal shall also be stamped so that both sheets are caught.
73. Serial number for copies of deeds recorded in "Register No. (1) Appendix" shall also be done in accordance with rule 67.

74. When refusing the deed under rule 22 by the Registrar mentioned in section 7 or section 8 of the Law, the followings shall be done:
- (a) on the day of the decision of refusal, the reason for the refusal shall be recorded in Register No. (2) and the endorsement for refusing shall also be written in the deed;
  - (b) The refusal shall be reported to the Registrar mentioned in section 5 of the Law.
75. In recording the sealed wills deposited in Register No. (5), columns of the Register shall be filled completely.
76. In the Register No. (6), the registered number of power of attorney, authenticated date of signature, date of execution, additions of principal, agent and witness shall be written in black ink and signed by the Registrar mentioned in section 7 or section 8 of the Law.
77. When taking thumb impression in Register No. (7), the followings shall be done:
- (a) only the first joint of thumb shall be soaked and care shall be taken not to scratch the second joint in soaking the thumb in ink;
  - (b) the inked thumb shall be touched slowly from one of its side and rolled to its other side so that the thumb is visible on column (9) of Register No. (7);
  - (c) the serial number of thumb impression shall be given by calendar year. It shall begin with the first day of every calendar year and serial numbers of thumb impression for the said year shall end at the day of the end of the calendar year;
  - (d) When taking thumb impression in Register No. (7) where thumb impression is taken, only one side of the page shall be used;
  - (e) at the end of each calendar year, a line shall be drawn in red ink below the last thumb impression for that year and a note stating that "A total of ----- thumb impression was collected for ----- year" shall be written, signed by the Registrar mentioned in section 7 or section 8 of the Law and stamped the seal which states his position. For the next year, thumb impression shall be collected on the next new page by giving a new serial number.
78. In Register No. (7), the serial number of thumb impression, date of taking thumb impression, page number, volume number and number of Register, name of the person of thumb impression, National Registration number, Citizenship Verification Card number or passport number shall be completely written and thumb impression shall be taken and the Registrar mentioned in section 7 or section 8 of the Law shall initial to certify it.

79. As the opening note for opening a new Register No. (7), "In this Register No. (7), Volume ( ), thumb impressions are recorded from thumb impression No. ( ) for ----- year", and as a closing note for closing the Register "In this Volume No.( ), totally ----- thumb impressions were recorded from page ----- to ----- and this volume was closed on ----- date after recording thumb impression number ----- -- finally for ----- year." shall be written and signed by the Registrar.
80. The department may issue orders and directives to facilitate for easiness, quickness and uniformity in opening and recording Registers in the City Registration of Deeds Office and the Township Deeds Registration of Deeds Office.
81. Regarding Registers opened in each City or Township Registration of Deeds Offices, they shall be listed in Registers list Volume (1) and Registers list Volume (2).
82. In Register List Volume (1), the following Registers and documents shall be listed:
- (a) Register No. (1), Appendices of Register No. (1), Registers No. (2), (3), (4), (5), (6), (7), notarized translations of Myanmar language under section 18 (b) of the Law;
  - (b) orders issued under section 63 of the Law.
83. In Register List Volume (2), the following books and documents shall be listed:
- (a) receipt book for Deeds presented for registration and the fees;
  - (b) receipt book for miscellaneous incomes;
  - (c) record book for visiting the executor's residence under sections 29 and 36 of the Law.
84. The Registrar mentioned in section 7 or section 8 of the Law shall scrutinize the books opened under rule 81 and describe them in the hand-over report during job hand-over.

## Chapter VII

### Appeal for Refusal to Register

85. In examining the facts under provisions of rules 10 and 18 by the Registrar mentioned in section 7 or section 8 of the Law, if unconformity with any fact under those rules is found, he shall endorse completely unconformable facts and section in the deed and pass an order for refusal to register, except refusal to register any deed for unconformity with sections 21, 22, 24, 25, 26 of the Law.
86. The statement of refusal under rule 85 shall be written and signed by the Registrar mentioned in section 7 or section 8 of the Law in Register No. (2). A copy of the reason for refusal to register shall be presented to the registrar under section 5 of the Law and another copy shall be issued to the presenting person.

87. The Registrar mentioned in section 5 of the Law may instruct to take necessary action in relation to the order to return the refused deed.
88. The appellant under section 60 (a) of the Law shall submit a written and signed appeal to the Registrar mentioned in section 5 of the Law together with the copy of refusal and the original deed.
89. In examining the appeal under rule 88, the Registrar mentioned in section 5 of the Law shall examine the appeal against the decision of refusal of the Registrar mentioned in section 7 of the Law by himself and shall assign a responsible inspector for examining the appeal against the decision of refusal of the Registrar mentioned in section 8 of the Law.
90. The Registrar mentioned in section 5 of the Law shall send the approval or amendment order to the Registrar mentioned in section 7 or section 8 of the Law and the appellants after checking the findings.
91. The Registrar mentioned in section 5 of the Law shall submit a monthly report of orders issued under rule 90 to the Director General.
92. If the Registrar mentioned in section 5 of the Law receives the appeal in accordance with Rule 17, he shall examine it in accordance with the provisions of rules 10 and 18 and, shall issue a permission order if he agrees to register or a refusal order if he refuses to register.

## **Chapter VIII**

### **Home Visiting for Registration**

93. The executant shall apply in Form (7) for registration to visit his/her residence under section 29 and subsection (a) of section 36 of the Law because of the inability to come to the Registration of Deeds Office.
94. If the application for registration by visiting the executant's residence according to section 29 of the Law is submitted as a special matter:
  - (a) it shall, by stating evidence completely in Form (7) as a special matter, be presented to the Registrar mentioned in section 7 or section 8 of the Law to register by visiting the executant's residence;
  - (b) the Registrar mentioned in section 7 or section 8 of the Law may visit the executant's residence by himself after scrutinizing the application. Commission assignment may also be issued to act on his behalf.
95. In the case of an application for registration by visiting the executant's residence according to section 36 of the Law:

- (a) people with poor health or physical disability who have difficulty in coming to the Registration of Deeds Office shall attach a medical certificate of a doctor;
  - (b) in the case of prisoner or detainee, it shall be attached a recommendation of the officer incharge of the relevant department that the prisoner or detainee is actually imprisoned or detained and allowed to carry out the registration process;
  - (c) in the case of the persons exempted by existing Law from personal appearance in a court, they shall attach the evidence that they are included in the list of exempted persons in the court.
96. If the registration of the deed by visiting the executant's residence is permitted, the applicant shall have to pay the prescribed fee. Before paying the fee, visiting the executant's residence shall not be allowed.
97. The Registrar mentioned in section 7 or section 8 of the Law shall write the status of his findings in the executant's residence during his visit as an endorsement as described in Appendix (8).
98. The Registrar mentioned in section 7 of the Law shall issue the commission in Form (8) and appoint a staff, as a commissioner, who is not lower than deputy staff officer from the Registration of Deeds Office if it is necessary to go to the executant's residence and act on his behalf.
99. The Registrar mentioned in section 8 of the Law shall issue the commission in Form (8) and appoint the staff, as his commissioner, who has been assigned for processing registration, if it is necessary to go to the executant's residence on his behalf.
100. According to rules 98 and 99, the issuance of the commission shall be written in red ink as the endorsement in Appendix (7) on the back of the deed, dated and signed by the Registrar who issues the commission.
101. The person who has been issued the commission, after completion of the assignment, shall write the status of his findings in the executant's residence during his visit on the deed in accordance with Appendix (8) and present it to the Registrar mentioned in section 7 or section 8 of the Law.
102. If there is an exemption in registration under section 81 of the Law, the exemption shall be written in the relevant deed as an endorsement and the Registrar mentioned in section 7 or section 8 of the Law shall sign it.
103. If the relevant officer replies on inquiries of the Registrar which are necessary in accordance with section 82 of the Law by official letter that the facts and signatures in the deed are correct and the submission of the deed for registration is correct, these facts shall be endorsed and signed in the deed.

104. Registration of the deed by visiting the executant's residence according to rules 94, 97, 98 and 99 shall be recorded in Form (9).

## **Chapter IX**

### **Registering the Power of attorney**

105. An authenticated power of attorney shall be presented for registration to the City Registration of Deeds Office or the Township Registration of Deeds Office located where the principal resides.

106. In authenticating a power of attorney, the Registrar mentioned in section 7 or section 8 of the Law shall accept only a power of attorney for in which the statement about the principal and witness are complete and correct.

107. After accepting a power of attorney under rule 106, thumb impression of the principal and witnesses shall be taken beside their signature and also in Register No. (7). The serial number of each thumb impression in Register No. (7) shall be written in parallel with the thumb impression in a power of attorney.

108. The Registrar mentioned in section 7 or section 8 of the Law shall endorse as in Appendix (9) and sign in a power of attorney which has been accomplished in accordance with rule 107 and authenticated.

109. The Registrar mentioned in section 7 or section 8 of the Law shall record the authenticated powers of attorney, which are to be presented to the Registration of Deeds Office in Register No. (6).

110. If powers of attorney are authorized by one or more persons and registration matter is described in the powers of attorney, those powers of attorney shall be recorded rule 109.

111. If the powers of attorney conferred for other cases other than the authenticated power of attorney is presented for registration, the Registrar mentioned in section 7 or section 8 of the Law shall scrutinize the facts to be checked as the deeds mentioned in subsection (J) of section 17 of the Law and shall register if it complies with the facts. These powers shall be recorded in Register No. (4).

112. When any related person wants to revoke a power of attorney authenticated in accordance with rule 109 or 110, it shall be done as follows:

- (a) in case of revoking a power of attorney with their mutual agreement by the principal and the person holding a power of attorney, the letter to revoke the power of attorney together with the original power of attorney to be withdrawn or true copy from the Registration of Deeds Office shall be presented to the Registrar mentioned in section 7 or section 8 of the Law by themselves;



- (b) if any principal or person holding a power of attorney revokes, it shall be advertised in a newspaper and the letter to revoke a power of attorney together with the advertisement of revoking a power of attorney in the newspaper, the original power of attorney to be revoked or a true copy issued by the Registration of Deeds Office shall be presented to the Registrar mentioned in section 7 or section 8 of the Law by the person who revokes;
- (c) the Registrar mentioned in section 7 or section 8 of the Law, if he receives the letter mentioned in subrules (a) and (b), shall write "the application for revoking the power of attorney by the principal or the person holding a power of attorney or both of them dated ---- is recorded" in red ink in Register No. (6), and shall date and sign.

## Chapter X

### Searching, Copying and Issuing the Registered Deeds

113. The person who applies for searching or copying the registered deeds recorded in Registers kept in the Registration of Deeds Office shall apply after affixing the revenue stamp in accordance with the Myanmar Stamp Act.
114. If any application under rule 113 is received, searching and copying can be permitted as follows after being paid the declared fee under subsection (b) of section 68 of the Law:
- (a) any person may be permitted to see and copy any deed registered in Register No. (1) and Appendix of Register No. (1). in copying, moreover, for the application of copying record attached with certified map and history of holding, the Registrar shall manage specifically to copy the certified map and history of holding;
  - (b) any person may be permitted to see and copy any record in Register No. (2);
  - (c) any executant in the registered deed or the person holding a power of attorney may be permitted to see and copy the deeds registered in Register No.(3). After the death of executant, if any person applies for seeing and copying the deed with death certificate of the executant, he/ she may be permitted;
  - (d) any executant in the registered deed or the person holding a power of attorney may be permitted to see and copy the deeds registered in Register No.(4). Any other persons shall not be permitted to see and copy. After the death of executant, if any person applies for seeing and copying with death certificate of the executant, he/ she may be permitted to see and copy;

- (e) the principal or the person holding a power of attorney may be permitted to see and copy records in Register No. (6). Any person shall not be permitted to see and copy if the power is revoked or cancelled or the principal passes away. However, official requests by any Government department or organization for searching and copying shall be recorded and permitted.
115. Any person shall not be permitted to see and copy any record in Registers No. (5) and (7). However, official request by any Government department or organization for searching and copying, shall be recorded and permitted.
116. When the documents recorded in the City Registration of Deeds office or the Township Registration of Deeds office are applied for searching or copying, it shall be permitted after the specified fee for searching has been paid if it is necessary to search.
117. After permitting to copy, any staff may be assigned to copy and compare the copy with the documents recorded in respective Register.
118. Copyist shall copy the words in the registered deed recorded in the Register carefully and sign after writing "Copyist". The comparer shall sign after writing "comparer" if the copied deed is correct in comparison with the words recorded in the Register.
119. After implementing in accordance with rule 118, the Registrar mentioned in section 7 or section 8 of the Law shall sign and issue by writing as "True Copy" if it is correct after rechecking whether the words in the deed recorded in Registers are correct or not.
120. When permitting to see the document recorded in Registers kept in the Registration of Deeds Office, seeing shall be done in front of the Registrar or any staff assigned by him. But correcting, destroying, copying, taking photo or copying in any other ways shall not be allowed in seeing the record.
121. In order to permit seeing and copying the documents recorded in Register No. (1), Appendix of Register No. (1), Registers No. (2), (3), (4) and (6), the Registrar or any staff assigned by him may do it if it is necessary to search.
122. The department may issue necessary directives and procedures in relation with searching, seeing and copying the document recorded by Electronic Record.

## **Chapter XI**

### **The Fees for Registration, Searching and Copying**

123. Upon accepting the documents presented for registration under rule 28, specified registration fees shall have to be paid.

124. The applicants who apply for registration of deeds executed in the interest of the Union shall have the right to apply for registration fee exemption.
125. If any applicant applies under rule 124, Director General shall decide whether exemption from whole or part of the registration fees is allowed or not with the approval of minister in accordance with section 58 of the Law.
126. The specified fee shall have to be paid for keeping the registered deeds more than 30 days in the Registration of Deed Office due to not taking them by the executant.
127. When the documents, degrees or order of the court other than will are presented for registration after the lapse of 120 days, fine shall have to be paid in addition to registration fee in accordance with subsection (c) of section 23 of the Law as follows:
- (a) if the expiration period is up to 30 days, two times the Registration Fee;
  - (b) if it is more than 30 days but not exceeding 60 days, three times the Registration Fee;
  - (c) if it is more than 60 days but not exceeding 90 days, six times the Registration Fee;
  - (d) if it is more than 90 days but not exceeding 120 days, ten times the Registration Fee.
128. A receipt shall be issued in Form (10) when the person who presents the deed for registration has paid the registration fee and miscellaneous fees.
129. In issuing the registered deed, it shall be returned to the related person after being signed in the Record Book for receiving the returned deed and taking back the receipt issued under rule 128.
130. If exemption from registration fees is applied for, the registrar mentioned in section 7 or section 8 of the Law shall report step by step to the Director General and also describe separately in the Annual Report.
131. If exemption from registration fees or exemption from stamp fees is allowed in accordance with the Myanmar Stamp Act, the exemption shall be endorsed in the related deed.

## Chapter XII

### Keeping and Destroying Register Books and Documents

132. The following records shall be kept by opening permanent file in the Registration of Deeds Office mentioned in section 9 of the Law:
- (a) orders issued under rule 25 by the Registrar mentioned in section 5 of the Law;
  - (b) copies of orders issued under section 63 of the Law.
133. The following Registers and records in the City Registration of Deeds Office and the Township Registration of Deeds Office shall be kept permanently:

- (a) Register No. (1), Appendix of Register No. (1), Registers No. (2), (3), (4), (5), (6) and (7), and notarized translation of Myanmar language under subsection (b) of section 18 of the Law;
  - (b) copies of orders issued under section 63 of the Law;
  - (c) list of documents destroyed in the Registration of Deeds Office;
  - (d) Registers List Volume (1) and (2) opened under rule 81.
134. The deeds for which the registration processes are not done yet in accordance with any existing law or any other reason shall be listed separately in the City Registration of Deeds Office or the Township Registration of Deeds Office.
135. In the City Registration of Deeds Office or the Township Registration of Deeds Office, books and documents listed in the Registers List Volume (2) shall be kept up to three years from the end of the year after using.
136. The applications presented for the registration of deeds each year, the copies of requested documents, notifications, reminders and normal notifications shall be kept for one year.
137. Documents and challans related to budget shall be kept in accordance with financial rules and budgetary procedures.
138. List of documents to be destroyed in the Registration of Deeds Office shall be yearly reported step by step to the Director General at the end of each fiscal year.
139. Not only list of documents to be destroyed shall be recorded but also evidence of destroying the documents shall be kept.
140. The list of deeds, except will, that were not taken back within 24 months after registration shall be announced that "The deeds in such list shall be destroyed if they are unclaimed." for 30 days at a conspicuous place of the Registration of Deeds Office, and then, the permission for destroying shall be requested to the Registrar mentioned in section 5 of the Law if those are not taken back.
141. In destroying, after getting permission to destroy under section 79 of the Law, the Registrar mentioned in section 7 or section 8 of the Law shall implement as follows:
- (a) the reason for destroying shall be written and signed in the space of the right-hand margin of the page where the deed has been copied in the Register;
  - (b) the reason for destroying shall be recorded and signed on the page where the power of attorney has been recorded in Register No. (6).

### **Monthly and Annual List of the Registration Fees**

142. The value of stamps in the deeds registered in the City Registration of Deeds Office and the Township Registration of Deeds Office, the registration fees and miscellaneous fees shall be reported step by step to the Director General after making a monthly list in Form (11).
143. A quarterly list shall also be reported step by step to the Director General in Form (11) once in three months of a fiscal year.
144. An annual list of registration of deeds shall be submitted step by step to Director General together with the annual report after making an annual list within the specified date at the end of each fiscal year.

## **Chapter XIV**

### **Inspecting Registration of Deeds Offices**

145. The Registrar mentioned in section 5 of the Law shall inspect the City Registration of Deeds Offices within the specified period at the end of each fiscal year and report to the Director General.
146. The Registrar mentioned in section 5 of the Law may inspect the Township Registration of Deeds Offices by himself or may assign any relevant District inspectors. Findings shall be reported to the Director General by the Registrar mentioned in section 5 of the Law.
147. Whether the guidelines to be followed as described in the inspection report of the Registrar mentioned in section 5 of the Law and relevant district inspectors have been actually followed or not shall be described in the inspection report of the coming fiscal year.
148. The Director General may inspect the Registration of Deeds Offices at any time according to the requirement of work by himself or by assigning any officer from the department.
149. With regard to the inspection of Registration of Deeds Offices, the Director General may issue instructions relating to the time to inspect, the facts to be inspected and the guidelines to be followed as necessary.

## **Chapter XV**

### **Miscellaneous**

150. Objections submitted by persons who have the right of ownership of immovable properties described in the deeds presented for registration shall be filed in a separate file and the date of receiving the objection, name, N.R.C No., address of the persons, Township, Quarter/ Village Tract, Field/ Block No, Holding No., plot no. of the land and its area related to the objected property shall be listed.

151. When the deeds related to immovable properties are presented for registration, whether objection is submitted or not, shall be examined by comparing with the record described in rule 150.
152. If there is any objection to the deeds related to immovable properties described in the deeds presented for registration, a letter shall be sent to inform the objectors that they shall submit the injunction mentioned under section 84 (a) of the Law.
153. If the letter informing to submit the injunction is sent by post, the receipt from the post shall be attached to the office copy. If the letter is sent in person, it shall be sent and recorded in the logbook.
154. In spite of sending to the address described by the objector, the letters returned to the office shall be attached with the office copy because the person in the address is not found by the post-office.
155. If the objector is not found after implementing the processes according to rules 153 and 154, the registration process of the deed shall be done to accomplish in accordance with the provision of section 84 (a) of the Law.
156. Among objections recorded in accordance with rule 150, those whose term is more than two years shall not be taken into action.
157. Any objection with no injunction from the relevant court shall not be taken into action.
158. The Registrar mentioned in section 7 or section 8 of the Law may assign any staff to keep the stamps to be used according to the Law and these rules in the City Registration of Deeds Office and the Township Registration of Deeds Office.
159. If any person presents the documents again for registration in relation with copies of deeds affixed to Appendix of Register No. (1.) under rule 71 as the relevant Court, Government Department/ Organization had sent, the person shall be informed that those deeds have been registered. In spite of informing so, when the related person requests for registration, the deed shall be registered if it complies with the facts in checking in accordance with section 21 of the Law.
160. The trademarks presented for registration only as declaration instead of trademark right shall be accepted and registered in the City Registration of Deeds Office or the Township Registration of Deeds Office. Any trademark presented for registration with the purpose of trademark right shall not be registered.
161. In the City Registration of Deeds Office or the Township Registration of Deeds Office, any deeds presented for registration with the purpose of getting copyright, patent, industrial design right or intellectual property right shall not be registered.

162. The Registrar mentioned in section 5 of the Law may order the relevant Registrar to correct any erroneous fact in accordance with the Law if he knows by himself or by the finding of inspector that the Registrar mentioned in section 7 or section 8 of the Law fails to perform his/ her duty and makes the error in recording in the Register or any mistakes at his/ her office work.
163. The Director General may order to correct any erroneous fact in accordance with the Law if the Registrar mentioned in section 7 or section 8 or section 5 of the Law or the inspector fails to perform his/ her duty and makes the error in recording in the Register or any mistakes at his/ her office work.
164. Keeping, searching and copying Registers where registered deeds are copied under THE REGISTRATION ACT (India Act 16, 1908, Vol X) and facts recorded in those Registers shall be continued in accordance with the Law and these rules.

Dr. Aung Thu

Union Minister

Ministry of Agriculture, Livestock, and Irrigation

----- Footnote -----

ဥပဒေဘာသာပြန်ကော်မရှင်မှ တရားဝင်ဘာသာပြန်ဆိုထားခြင်း မဟုတ်ပါ။ သက်ဆိုင်ရာ ဝန်ကြီးဌာနမှ ဘာသာပြန်ဆိုထားခြင်းဖြစ်၍ အမှားများ၊ လိုအပ်ချက်များရှိပါက နားလည်ပေးနိုင်ပါရန် မေတ္တာရပ်ခံအပ်ပါသည်။

----- Attachment -----

- [ ATTACH LIST 1 ] 01 Form (1) Application for registration of the Deed
- [ ATTACH LIST 2 ] 02 Form (2) Register Book No. (1), (3) and (4)
- [ ATTACH LIST 3 ] 03 Form (3)
- [ ATTACH LIST 4 ] 04 Form (4) Register Book No. (5)
- [ ATTACH LIST 5 ] 05 Form (5) Register Book No. (6)
- [ ATTACH LIST 6 ] 06 Form (6) Register Book No. (7)
- [ ATTACH LIST 7 ] 07 Form (7)
- [ ATTACH LIST 8 ] 08 Form (8) Assigning to visit the executant's residence for registration
- [ ATTACH LIST 9 ] 09 Form (9) Record book of going to the Executant's Location
- [ ATTACH LIST 10 ] 10 Form (10)

[ ATTACH LIST 11 ] 11 Form (11)

[ ATTACH LIST 12 ] 12 Appendix (1)

[ ATTACH LIST 13 ] 13 Appendix (2)

[ ATTACH LIST 14 ] 14 Appendix (3)

[ ATTACH LIST 15 ] 15 Appendix (4)

[ ATTACH LIST 16 ] 16 Appendix (5)

[ ATTACH LIST 17 ] 17 Appendix (6)

[ ATTACH LIST 18 ] 18 Appendix (7)

[ ATTACH LIST 19 ] 19 Appendix (8)

[ ATTACH LIST 20 ] 20 Appendix (9)

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