

LAWS OF GUYANA

LAND REGISTRY ACT

CHAPTER 5:02

Act

18 of 1959

Amended by

1	of	1972	O. 80/1980
5	of	1972	O. 31/1992
14	of	1982	O. 7/1993
13	of	1993	
4	of	1997	
3	of	2003	

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 146 ...	1/2012

Index
of
Subsidiary Legislation

	Page
Land Registry (Commencement of Section 43) Order (O. 24/1968)	102
Registration Area Orders (O. 104/11959, 84/1960, 85/1960, 90/1690, 17/1961, 18/1961, 19/1961, 22/1961, 45/1961, 29/1962, 41/1962, 70/1962, 62/1963, 63/1963, 9/1964, 10/1964, 24/1964, 56/1964, 1/1965, 2/1965, 18/1965, 19/1965, 23/1966A, 27/1966A, 28/1966A, 29/1966A, 6/1967, 17/1967, 22/1967, 23/1967, 71/1967, 36/1968, 37/1968, 4/1970, 5/1970, 7/1970, 8/1970, 9/1970, 10/1970, 38/1970, 37/1970, 38/1970, 90/1970, 91/1970, 92/1970, 93/1970, 6/1971, 61/1970, 4/1972, 5/1972, 18/1972, 19/1972, 20/1972, 45/1972, 46/1972, 63/1972, 64/1972, 65/1972, 66/1972, 67/1972, 79/1973, 80/1973, 81/1973, 111/1973)	103
Land Registry Rules (R. 2/1960)	128

CHAPTER 5:02
LAND REGISTRY ACT
ARRANGEMENT OF SECTIONS

SECTION

PART I
PRELIMINARY

1. Short title and commencement.
2. Interpretation.
3. Application of other Acts.
4. Objects of Act.
5. Land not to be withdrawn.

PART II
ADMINISTRATION

6. Land registration districts.
7. Registrar of Lands and other officers.
8. Establishment of land registries.
9. Oath of office.
10. Appointment and oath of valuers.

PART III
COMMISSIONERS OF TITLE

11. Appointment of Commissioners of Title.
12. Qualification for appointment of Commissioners.
13. Commissioner's oath.
14. Land Court.
15. Jurisdiction and powers of Commissioners.
16. Practice and procedure of the Land Court.

PART IV
FIRST REGISTRATION

A. Registration Areas

SECTION

17. Designation of registration area by order.
18. Commissioner to give notice of the order.
19. Actions pending in Court.
20. Registrar's report on titles in the area.
21. Surveys and plans of the area.
22. Applications for declarations or recording of title.
23. Hearing of applications.
24. Adjudication by Commissioner.
25. Further powers of the Commissioner.
26. Rights of absent persons safeguarded.
27. Provisions as to occupation of land.
28. Declaration of absolute title.
29. Declaration of provisional title.
30. Recording of documents of title by the Commissioner.
31. Publication of declarations and records of title.
32. Registration of declarations of title.
33. Recording of documents of title by the Registrar.
34. Appeals.
35. No registration or record of title pending appeal.
36. Order where appeal allowed.

B. Areas other than registration areas

37. First registration of public lands and of State grants.
38. Application for declaration of title.
39. Hearing of applications.
40. Decision of Commissioner.
41. Declaration of absolute title in the case of doubtful titles.
42. Publication of declarations of title and procedure thereafter.
43. First registration by transport.
44. First registration upon order of Court.
45. First registration in lieu of Judicial sale transport.
46. First registration upon vesting under an Act.
47. First registration upon partition or re-allotment.

C. General

48. Endorsement of documents filed as of record.
49. First registration with absolute title adverse to provisional title.

SECTION

**PART V
THE REGISTER**

50. Form of register.
51. Index plan and blocks.
52. First entry in register.
53. No registration except by plan.
54. Entry of memorials in register.
55. Provisions as to instruments.
56. Endorsement of instruments.
57. Registration of instruments.
58. Filing of instruments.
59. Instruments not to be registered.
60. Rectification of register by Registrar.
61. Rectification of register by Court.
62. Titles not to be cancelled.
63. Approved plans.

**PART VI
TITLE OF REGISTERED PROPRIETORS**

64. Instruments ineffectual until registered.
65. Nature of title.
66. Absolute title.
67. Provisional title.
68. Conversion of provisional into absolute title.
69. Protection of person dealing in registered land.
70. Actions of ejectment.
71. Certificate of title.
72. Production of certificate.
73. Lost or destroyed certificates.
74. Replacement of certificates.
75. Admissibility of certificates.

**PART VIII
TRANSFERS**

76. Form and effect of transfer.
77. Transfer of mortgaged or charged land.

SECTION

- 78. Life interests.
- 79. Proof of purchase before Commissioner.

PART IX
MORTGAGES AND CHARGES

- 80. Form of mortgage and charge.
- 81. Conditions implied in mortgages.
- 82. Variation of mortgages and charges.
- 83. Postponement of prior mortgages and charges.
- 84. Discharge of mortgages and charges.
- 85. Payment to credit of absent mortgagee.
- 86. Discharge of mortgage or charge by Registrar on proof.
- 87. Creation of lien by deposit of certificate.
- 88. Enforcement of mortgages and charges.

PART X
LEASES

- 89. Leases.
- 90. Conditions implied in leases.
- 91. Variation and extension of leases.
- 92. Renewal and substitution of leases.
- 93. Leases of mortgaged or charged land.
- 94. Sub-leases.
- 95. Surrender of leases.
- 96. Determination of leases.

PART XI
TRANSMISSION

- 97. Transmission on death.
- 98. Dealings where transmission not registered.
- 99. Application to register persons entitled.
- 100. Transmission on insolvency.
- 101. Effect of disclaimer, discharge and annulment.
- 102. Receiving, winding-up and other orders.
- 103. Transmission by operation of law.
- 104. Transmission on death of joint proprietor or holder for life.

SECTION

105. Effect of transmission.

PART XII

ACQUISITION OF TITLE BY ADVERSE POSSESSION

106. Acquisition of title by adverse possession.
107. Application for declaration of title and procedure thereon.
108. Title of registered proprietor to prevail.
109. Extinction of previous title.
110. No limitation against registered proprietor.

PART XIII

**EASEMENTS, RESTRICTIVE COVENANTS AND OTHER RIGHTS
AND INTERESTS**

111. Registration of easements and restrictive covenants.
112. Removal from the register of easements and restrictive covenants.
113. Easements enjoyed by the public.
114. Provisions as to buildings.
115. Rights of way of necessity.

PART XIV

TRUSTS

116. Registration of proprietor in a fiduciary capacity.
117. Restriction may be entered but no trusts.
118. Removal of restrictions.
119. Exoneration of persons dealing.

PART XV

JUDGMENTS AND WRITS

120. Effect of judgments and writs.
121. Registration of judgments and writs.
122. Removal from register of memorials of judgments and writs.
123. Lapsing of memorials of judgments.
124. Sales in execution.

SECTION

**PART XVI
CAVEATS AND PROHIBITIONS**

- 125. Caveats.
- 126. Prohibitions.

**PART XVII
ASSURANCE FUND AND COMPENSATION**

- 127. Establishment of Assurance Fund.
- 128. Claims against the Fund.
- 129. Fund not liable in certain cases.
- 130. Persons not entitled to compensation.
- 131. Amount of compensation.
- 132. Notice of action.
- 133. Admission or compromise of claim.
- 134. Summary determination of compensation.
- 135. Action for recovery of compensation.
- 136. Right of Registrar to enforce judgment.
- 137. Right of Registrar to recover compensation payable or paid.
- 138. Costs against the Fund.

**PART XVIII
GENERAL PROVISIONS**

- 139. Inspection of register.
- 140. Certified copies.
- 141. Official search.
- 142. Stay of registration.
- 143. Powers of the Registrar.
- 144. Registrar may state case.
- 145. Appeal against decision of Registrar.
- 146. Appeal against decision of Commissioner.
- 147. Court proceedings affecting land.

**PART XIX
MISCELLANEOUS PROVISIONS**

- 148. Addresses.

SECTION

149. Service of notices.
150. Instruments deposited in Deeds Registry.
151. Special powers of attorney.
152. Execution of instruments.
153. Protection of Registrar against actions.
154. Exoneration of the Registrar.
155. Offences.
156. Unqualified practitioners.
157. Other remedies.
158. Fiat of Director of Public Prosecutions.

PART XX
RULES, FORMS, FEES, ETC.

159. Power of Minister to make rules.
160. Forms.
161. Fees.
162. Declaration as to consideration.
163. Remuneration of legal practitioners.
164. Accounts.

FIRST SCHEDULE—Forms of document.

SECOND SCHEDULE—Fees.

CHAPTER 5:02

1959 Ed.
c. 53

LAND REGISTRY ACT

18 of 1959

An Act to provide for the registration of land and for matters connected therewith.

[21ST JULY, 1960]

PART I
PRELIMINARY

Short title.

1. (1) This Act may be cited as the Land Registry Act.

(2) The Minister shall appoint the day or days on which this Act or any parts or provisions thereof shall come into force in Guyana or any portion thereof and may restrict or extend the application of any parts or provisions of this Act to any portion of Guyana in such manner as he thinks fit.

Interpretation.

2. (1) In this Act –

“approved plan” means a recorded plan which has been approved by the Commissioner of Lands in accordance with section 63

“Commissioner” means a Commissioner of Title appointed under this Act, and in relation to any land —the Commissioner means the Commissioner of Title within whose jurisdiction the land lies;

“Court” means the High Court;

“dealing” means any transaction of whatever nature by which the rights of persons in or over land are affected;

“district” means a land registration district under this Act;

“document of title” means any document which evidences the title of any person to unregistered land and which is registered in the Deeds Registry or in the Lands Department;

“endorsement” includes anything written upon or in the margin or at the foot of any document;

“instrument” includes any deed, judgment, decree, order or other document in writing which requires or is capable of registration under this Act;

“interest” in relation to land includes any mortgage, charge,

lease, easement or any other right, liability, or burden, on, in or over land;

“judge” means a judge of the Court;

“land” includes all things growing thereon or permanently affixed thereto and except as otherwise provided in this Act, all buildings thereon;

“memorial” means an entry made in the Register and signed by the Registrar of any instrument presented for registration;

“parcel” means any separate lot or other area into which land is divided or sub-divided;

“recorded plan” means a plan of a survey made by a sworn land surveyor and recorded with the Commissioner of Lands in accordance with and pursuant to the laws for the time being in force relating to surveys by sworn land surveyors and includes any other plan authorised by and recorded with the Commissioner of Lands prior to the coming into force of this Act;

“register” means the register kept under this Act;

“to register” means to register under this Act, and the words registered, unregistered, and registration shall be construed accordingly;

“Registrar” means the Registrar of Lands appointed under this Act and includes the Deputy Registrar and an assistant registrar;

“transfer” means the passing of land by act of the parties and not by operation of law and also the instrument by which such passing is effected;

“transmission” means the vesting of land by operation of law on the death or insolvency of a registered proprietor or otherwise.

(2) For the purposes of this Act the description of any person as proprietor, transferor, transferee, mortgagor, mortgagee, lessor or lessee shall unless the context otherwise requires include the executors, administrators, successors, transferees and assigns of that person.

(3) Unless the context otherwise requires, reference in any Act to a transport or to the passing of a transport in respect of any land shall, if the land is registered land, be deemed to be a reference to a transfer or to the execution and registration of an instrument of transfer as the case may be.

(4) References in this Act to land shall where the context so admits include references to interests in land.

Application of
other Acts.

3. (1) Except as otherwise provided in this Act, no other Act and no regulations, rules, laws, practice or procedure relating to land shall apply to registered land so far as they are inconsistent with this Act, and in particular but without prejudice to the generality of the foregoing, the law and practice relating to conventional mortgages or hypothecs of immovable property and to easements, profits *a prendre* or real servitudes and to oppositions shall not apply to registered land, but unless a contrary intention appears nothing contained in this Act shall be construed as permitting any dealing or other act which is forbidden under the express provisions of any other Act or as overriding any provision of any other Act requiring the consent or approval of any authority or person to any dealing or other act.

(2) Except as otherwise provided in this Act, the Deeds Registry Act shall not apply to registered land and, unless the context otherwise requires, reference in any Act or other law to the Deeds Registry Act or to the Deeds Registry

c. 5:01

or to the Registrar of Deeds in relation to any land or in relation to any dealing or instrument affecting any land shall, if the land is registered land, be deemed to be a reference to this Act or to the land registry or to the Registrar of Lands as the case may be.

Objects of Act.

4. (1) The objects of this Act are to simplify the title to land and facilitate dealing therewith and to secure indefeasibility of title to all registered proprietors, except in certain cases specified in this Act.

(2) This Act shall be construed in such manner as shall best give effect to the objects hereinbefore declared.

Land not to be withdrawn.

5. No land once subject to the provisions of this Act shall be withdrawn therefrom.

PART II ADMINISTRATION

Land registration districts.

6. (1) For the purposes of this Act, the Minister may by order –

- (a) divide Guyana or any portion thereof into land registration districts;
- (b) constitute in any part of Guyana a land registration district or districts;
- (c) distinguish the districts by the name or number he thinks proper; and
- (d) vary the limits of any district.

(2) Every such order shall be published in the *Gazette*, and shall take effect on the publication thereof or at

any other time mentioned therein.

Registrar of
Lands and
other officers.

7. (1) There shall be a Registrar of Lands and a Deputy Registrar of Lands, who shall be the persons for the time being holding the offices of Registrar of Deeds and Deputy Registrar of Deeds respectively.

(2) There shall be such number of assistant registrars and other officers as may be necessary for the purposes of this Act.

(3) The Deputy Registrar shall, subject to the general or special directions of the Registrar, assist the Registrar in the performance of his duties under this Act and shall in the exercise of his office have all the powers and may exercise all the functions of the Registrar.

(4) An assistant registrar shall act under and conform to the directions of the Registrar and subject thereto shall when in charge of a land registry have all the powers and may exercise all the functions of the Registrar in such land registry except such as may be expressly required to be exercised by the Registrar.

Establishment
of land
registries.

8. (1) There shall be established and maintained in each district a land registry, and the land registry in Georgetown shall be the Principal Land Registry.

(2) The Registrar shall maintain in each land registry a register for the registration of the title to land in the district in respect of which such land registry has been established and for the recording of dealings under this Act.

(3) Every land registry shall have a seal for the sealing of documents.

Oath of office.

9. The following oath shall be taken before the Chief Justice by every Registrar, Deputy Registrar and assistant

registrar who may hereafter be appointed, before entering upon the duties of his office:

“I, A.B., swear by Almighty God that I will faithfully and to the best of my ability execute and perform the office and duties of Registrar of Lands (or Deputy Registrar, or assistant registrar as the case may be) pursuant to the Land Registry Act.

Appointment
and oath of
valuers.

10. (1) The Registrar may appoint persons to be sworn valuers and may annul the appointment of any such person.

(2) Every such person shall on appointment take the following oath before the Registrar who is hereby authorised to administer the same:

“I, A.B., swear by Almighty God that in making any valuation I will act faithfully and honestly and to the best of my skill and ability.”

PART III COMMISSIONER OF TITLE

Appointment
of
Commissioners
of Title.

11. There shall be such number of Commissioners of Title as may be necessary for the purposes of this Act.

Qualification
for appoint-
ment of
Commissioners

12. (1) No person shall be appointed a Commissioner unless he is an attorney-at-law of not less than five years standing.

(2) No person appointed a Commissioner shall during tenure of office practise either directly or indirectly as an attorney-at-law, or be in partnership with any person so practising.

(3) For the purposes of this section –

“attorney-at-law” means any person duly entitled to practise as a barrister-at-law or advocate in any superior court of the Commonwealth.

Commissioner's oath.

13. A Commissioner shall before entering upon the duties of his office take oath of office set out in the Schedule to the Constitution.

Land Court.

14. (1) For the purpose of this Act, a court of special jurisdiction shall be established for each district.

(2) Every such court shall be called a land court, and shall be a court of record and shall have a seal.

(3) A Commissioner shall be the presiding judge at every sitting of a land court.

Jurisdiction and powers of Commissioners

15. (1) A Commissioner shall have jurisdiction in all claims made under this Act relating to land situated in the district or districts for which a Land Court is established with powers to determine any questions that may need determination in connection with such claims.

(2) A Commissioner shall have all the powers of a judge of the Court in respect of procedure in a Land Court, including the summoning of and administering of oaths to witnesses, assessors, land valuers, appraisers and other persons whose advice, assistance or evidence shall seem to him to be necessary, the production of instruments and records and the due and proper administration of justice and order in the said court.

Practice and procedure of Land Court.

16. (1) Practice and procedure in the Land Court shall be regulated by this Act, and by rules of court made as hereinafter provided.

(2) The Minister may appoint a committee

consisting of one or more Commissioners, a practising attorney-at-law to make rules of court.

(3) Rules of court shall be subject to the approval of the Minister who may amend them, and such rules shall not come into operation until they have been so approved and published in the *Gazette*.

c. 3:05
Sub Leg.

(4) Until rules are made under subsections (1) and (2), the Summary Jurisdiction (Civil Procedure) Rules shall apply with such adaptations as may be necessary and so far as the same can be applied to proceedings in the Land Court.

PART IV FIRST REGISTRATION

A. *Registration Areas*

Designation of
registration
area by order.

17. (1) The Minister may by order designate any area of land defined in the order (hereinafter in this Part referred to as the "area") as a registration area.

(2) The Minister may by any order made under subsection (1) or by subsequent order –

- (a) make such supplemental and consequential provisions as he may consider necessary for giving full effect to the order or for carrying it into effect;
- (b) prescribe the fees to be paid in respect of the first registration of any land in the area.

(3) Every order made under this section shall be published once in each of three successive weeks in the

Gazette and in a daily newspaper circulating in Guyana and upon such publication shall have the same effect as if it were contained in the Act.

(4) A copy of any order made under this section shall be forwarded to the Commissioner, the Registrar of the Court, the Registrar and the Commissioner of Lands.

Commissioner
to give notice of
the order.

18.(1) Upon receipt of the copy of the order the Commissioner shall forthwith prepare and publish a notice (hereafter in this Part referred to as "the notice" –

- (a) requiring every person who claims title to any unregistered land in the area under a document of title to apply to the Commissioner to record the said document; and
- (b) requiring every person who claims to have acquired title by inheritance, devise, purchase, adverse possession or in any other manner to any unregistered land in the area but who holds no document of title therefor to apply to the Commissioner for a declaration of title thereto under this Act; and
- (c) requiring every person who claims title or to have acquired title as aforesaid to any share in any land in the area or to be the mortgagee of any such share and who desires the partition of such land to apply to the Commissioner for such partition; and
- (d) specifying the period within which all such applications shall be submitted.

(2) The Commissioner shall forthwith cause copies of the notice to be posted in conspicuous places in all land registries and in the office of the District Commissioner of the administrative district within which the area is situate and in every post office and police station within such district, and shall also cause not less than ten copies of the notice to be posted at conspicuous places within the area, and shall take such other steps as he considers necessary to advertise the notice and shall forward a copy of the notice to the Registrar of the Court, the Registrar and the Commissioner of Lands.

Actions
pending in
Court.

19.(1) Where after the expiration of the specified period any proceedings in the Court for a declaration of title to land in the area are commenced or are pending, the Court shall remit the matter to the Commissioner for determination as if it were an application made under section 22.

(2) This section shall cease to apply after the publication of the list referred to in section 31.

Registrar's
report on titles
in the area.

20. Upon receipt of the copy of the order the Registrar shall forthwith investigate what titles if any are registered in the land registry or in the Deeds Registry or in the Lands Department in respect of land in the area, and after such investigation shall submit to the Commissioner a report on the titles to land in the area and shall endorse or cause to be endorsed on such titles a reference to the order.

Surveys and
plans of the
area.
[4 of 1997]

21.(1) The Commissioner of Lands shall cause such surveys and plans of the area to be made or supplied as may be prescribed or as may be directed by the Commissioner.

(2) The actual cost of the surveys and plans referred to in subsection (1) shall be borne by every person who makes a claim under section 18, in the proportion to which such claim bears to the whole, and shall be recoverable by the Commissioner as a debt owing to the State:

Provided that the Minister responsible for Agriculture may, for reasons stated and on grounds including the relief of the poor or victims of abuse, the promotion of education or religion or any other good cause, waive all or any part of the cost of the said surveys or plans.

Applications
for declarations
or recording of
title.

22. (1) Upon publication of the notice –

- (a) the Commissioner of Lands shall apply for the registration of public land in the name of the State;
- (b) every person who claims title to any unregistered land in the area under a document of title shall apply to have the document recorded;
- (c) every person who claims title to any unregistered land in the area but who holds no document of title therefor shall apply for a declaration of title thereto;
- (d) every person who claims title to a share in any land in the area or to be the mortgagee of any such share may apply to have the land partitioned.

(2) Every such application shall be lodged with the Commissioner within the period specified in the notice together with the documents or other evidence relied on in support of the application.

(3) The Commissioner may permit any person to make an application out of time upon such conditions as he thinks fit.

Hearing of applications.

23. (1) Upon the expiration of the specified period the Commissioner shall fix the day and place for hearing applications and shall cause not less than thirty days' notice thereof to be given by registered post to every applicant and by publication in the *Gazette* and in one daily newspaper circulating in Guyana.

(2) The Commissioner shall proceed to hear and determine the applications upon the day appointed or upon any other day to which he may have adjourned the hearing.

Adjudication by Commissioner.

24. The Commissioner shall determine who is entitled to each and every parcel of unregistered land in the area and shall –

- (a) record all documents of title to unregistered land in respect of which he is satisfied –
 - (i) that the person claiming ownership under any such document is the person or derives title under or through the person named in the document;
 - (ii) that no other person is able to establish title to the land by possession adverse to the title of the claimant;
- (b) make a declaration of title to each parcel of unregistered land in respect of which he is satisfied that no person is the owner and entitled to possession thereof under a document of title, subject to such interests as may have been admitted or proved to subsist therein or thereover;

- (c) partition in conformity with the manner in which it is being occupied by the persons entitled thereto or in any other manner he considers expedient to ensure its more beneficial occupation any land in respect of which an application for partition has been received under section 22:

Provided that he shall so far as possible divide such land between the persons entitled thereto in proportion to their respective shares;

- (d) make a declaration of title in favour of the State to any land in respect of which no person is able to establish title to his satisfaction and he is unable after due enquiry to identify any person as being entitled thereto.

Further powers
of the
Commissioner.

25. (1) The Commissioner may –

- (a) adjust the boundaries of any land in the area or reallocate the same to ensure the more beneficial occupation thereof or to effect a more suitable subdivision thereof;
- (b) make any reservations he considers necessary for the purpose of laying out roads and paths or for the better drainage of any land or for any other purposes connected with the improvement thereof;

-
- (c) make a declaration of such right of way of necessity over any land in the area in favour of any other land in the area as may to him seem necessary and just and may direct the manner which the right of way is to be exercised and in such case he shall direct that a memorial of the right of way be entered in the land registry or in the Deeds Registry or in both in respect of the dominant land and of the servient land;
 - (d) award such compensation as may to him appear just to any person who has suffered loss of land as the result of any adjustment of boundaries or the partition or re-allotment of any land or the creation of any right of way and may make an order directing by whom such compensation shall be paid;
 - (e) determine the proportion in which the expenses of any partition shall be borne by the persons interested therein and make an order accordingly;
 - (f) make an order as to costs not exceeding fifty dollars.

(2) Any order for the payment of compensation expenses or costs made against the proprietor of any land shall create a lien on such land which shall be preferent over all debts whatever except debts due to the State and shall be enforceable in the same manner as a judgment of the Court.

(3) On re-alloting land or adjusting the boundaries thereof or on making any reservation the Commissioner –

- (a) may cancel or amend any document of title to give effect thereto; and
- (b) shall in the case of a partition cancel all documents of title in respect of the land partitioned and issue declarations of title therefor.

Rights of absent persons safeguarded.

26. If the Commissioner is satisfied that any person who has not made an application is entitled to any unregistered land in the area he may proceed as if that person had duly made an application, and if in such case the person is entitled to the land under a document of title the Commissioner may call upon the Registrar of Deeds or the Commissioner of Lands to supply him with a certified copy of such document of title.

Provisions as to occupation of land.

27. The Commissioner shall give effect to the following provisions –

- (a) all waste, forest and unoccupied land shall be deemed to be the property of the State until the contrary is proved;
- (b) the exercise by any person of rights in or over one or more portions or pieces of land shall not be taken as a presumption in his favour of ownership of any rights in or over any greater extent of land than that in or over which such rights were exercised.

Declaration of absolute title.

28. If the Commissioner is satisfied that a claimant is in possession of the land the subject of the application or any

part thereof by himself or by any person holding under him and that he would be entitled to maintain and defend such possession against any other person claiming the same or any part thereof, his declaration shall be a declaration of absolute title.

Declaration of provisional title.

29. If the Commissioner is satisfied that a claimant or any person through whom he claims has been in possession of the land for not less than five years but is not satisfied that the claimant would be entitled to maintain and defend his possession against any person claiming a right or interest arising before a specified date or under a specified instrument or which can be otherwise particularly described, the Commissioner having regard to the history of the title to the land and to the possibility of any other person being able to establish title thereto and to recover possession thereof may nevertheless make a declaration of title, but such declaration shall be a declaration of provisional title, and the Commissioner shall specify therein the nature of the qualification to which the title is to be subject.

Recording of documents of title by the Commissioner.

30. The Commissioner shall record each document of title by endorsing thereon a reference to the parcel-number of the land referred to therein and preparing a statement showing –

- (a) the reference number and date of the document as filed in the Deeds Registry;
- (b) the parcel-number of the land referred to therein; and
- (c) the name and address of the person entitled under the document.

Publication of declarations and records of

31.(1) The Commissioner shall cause a list of all declarations and records of title made by him to be published

title. in the *Gazette* and in one daily newspaper circulating in Guyana and to be otherwise advertised in such manner as may be prescribed.

(2) The Commissioner shall thereupon transmit to the Registrar all declarations and records of title made by him together with the documents of title produced to him.

Registration of declarations of title.

32. Subject as hereinafter provided, upon receipt of any declaration of title the Registrar shall register the title of the person named in the declaration as proprietor of the land in accordance therewith.

Recording of documents of title by the Registrar.

33. (1) Subject as hereinafter provided, upon receipt of any record and document of title the Registrar shall record the same by opening in the register a folio in respect of the parcel and entering therein a reference to the document as filed in the Deeds Registry and endorsing thereon the words "not registered" and notwithstanding any provision of this Act such land shall for all purposes be unregistered land.

(2) Where under section 25 the Commissioner has amended any document of title the Registrar shall record the amendment upon the document filed in the Deeds Registry and the document shall thereafter have full force and effect as amended.

(3) The Registrar shall thereupon return the document of title to the person entitled thereto.

(4) Where a folio has been opened in respect of any parcel with the endorsement "not registered", a reference to the parcel-number shall be entered on every subsisting document of title and on every subsequent document of title affecting the parcel and registered and filed as of record in the Deeds Registry, and notice of every such subsequent document of title shall be given to the Registrar who shall enter in the folio of the parcel a reference thereto.

(5) Nothing in this section shall operate to prevent any land in respect of which a document of title has been recorded under this section from being subsequently brought under the operation of this Act under any other provision thereof.

Appeals.

34.(1) Any person aggrieved or affected by a decision of the Commissioner may appeal therefrom to the Full Court of the High Court within twenty-eight days from the date of the *Gazette* in which the list of declarations and records of title appear.

(2) The Full Court shall have all the powers and duties of the Commissioner together with the power to receive further evidence on any question of fact.

No registration or record of title pending appeal.

35. No declaration or document of title shall be registered or recorded by the Registrar until the expiration of twenty-eight days as aforesaid, or, in cases where an appeal has been brought, until such appeal has been withdrawn, abandoned or dismissed.

Order where appeal allowed.

36. If an appeal is allowed, the appellate court shall make such declaration or record of title or such other order as the case may require, and the Registrar of such Court shall transmit a copy of the judgment to the Registrar who shall thereupon register or record the declaration or document of title as the case may be.

B. Areas other than Registration Areas

First registration of public lands and of state grants.
[3 of 2003]

37. (1) The Commissioner of Lands may apply to the Registrar for the registration of any land in the name of the State.

(2) The President may in lieu of making a grant of any unregistered State land issue directions to the

Commissioner of Lands to apply for the registration of the title of the proposed grantee as proprietor of the land.

(3) In applying to the Registrar for the registration of any such land, the Commissioner of Lands shall furnish to the Registrar –

- (a) a statement that the land is the property of the State together with any existing title thereto;
- (b) a statement of any interests known to subsist in or over the land or which it is desired to show upon the register;
- (c) a recorded plan of the land.

(4) On receiving any such application the Registrar shall cause a notice thereof to be published once in the *Gazette* and once in each week for three consecutive weeks in each of two daily newspapers circulating in Guyana, the first of three publications in each of the newspapers occurring on the same date as the publication in the *Gazette* in so far as is practicable.

(5) Any person claiming title to or interest in any land, or claiming to be in possession of any land, in respect of which such application has been made may within one month of the date of the *Gazette* in which the advertisement first appears lodge with the Registrar a notice of objection.

(6) If on the expiration of the said period of one month no notice of objection has been received, the Registrar shall register the State or the proposed grantee as proprietor of the land subject to any interests as aforesaid.

(7) If any notice of objection is received, the Registrar shall unless the application is withdrawn transmit

the application, statements and plan together with the notice of objection to the Commissioner who shall thereupon proceed as if an application has been transmitted to him by the Registrar under the next following section.

Application for
declaration of
title.

38.(1) Any person who claims to be the owner or in possession of any unregistered land but who holds no document of title therefor may apply to the Commissioner for a declaration of title to the said land.

(2) Such application shall be lodged with the Registrar together with –

- (a) the documents or other evidence relied on in support of the application;
- (b) an affidavit containing such particulars as may be prescribed; and
- (c) a diagram or plan of the land.

(3) An application from a person claiming ownership of an undivided share of unregistered land shall not be proceeded with unless the persons claiming ownership of the remaining undivided shares therein join in the application so that the entirety of the land can be included in the declaration of title, but any such person may apply to have such land partitioned and for a declaration of title in respect of his divided share thereof and if the Commissioner is of the opinion that such land should be partitioned to ensure the more beneficial occupation thereof, the Commissioner may partition the same and shall have all the powers conferred on him by section 25 in respect thereof.

(4) The Registrar shall investigate whether title to the land has at any time been registered in the land registry or in the Deeds Registry or in the Lands Department and after

such investigation shall transmit to the Commissioner the application, documents, affidavit and plan together with a report on the title.

Hearing of applications.

39.(1) Upon receipt of an application the Commissioner shall fix a day for hearing and shall cause not less than thirty days' notice thereof to be given by publication in the *Gazette* and in a daily newspaper circulating in Guyana and shall also give notice by registered post to the applicant, to any person named in the report of the Registrar as the holder of a document of title to the land, to the occupants if any of the land and to the proprietors of adjoining lands.

(2) Any person claiming to be the owner or to be in possession of any land in respect of which a declaration of title is sought under this section or claiming any interest therein may, not less than seven days before the date fixed for hearing the application, submit to the Commissioner a counter-application or notice of objection.

(3) A counter-application or notice of objection may, with the leave of the Commissioner given in such circumstances and on such terms as the Commissioner may determine, be submitted at any time before the determination of the application.

(4) Subsection (3) of the last preceding section shall apply to counter-applications.

(5) The Commissioner shall proceed to hear the application and counter-application if any upon the day appointed or upon any other day to which he may have adjourned the hearing.

(6) An application or counter-application may be withdrawn at any time before the Commissioner has delivered his decision. Where any application has been

withdrawn, the Commissioner shall decide any counter-application as if it were an application made under subsection (1) of the last preceding section.

(7) The Commissioner may adjourn the hearing for further investigation, evidence or advertisement or for a plan to be made or to allow further time to elapse in favour of any party.

Decision of
Commissioner.

40.(1) Upon the conclusion of the hearing the Commissioner may –

- (a) issue a declaration of title in favour of the applicant or of any counter-applicant in respect of the land or of any part thereof subject to such interests as may have been admitted or proved to subsist thereover;
- (b) dismiss the application or any counter-application;
- (c) make any order as to costs not exceeding fifty dollars.

(2) Subject to the next succeeding section a declaration made under this section may be of absolute or of provisional title in accordance with sections 28 and 29.

Declaration of
absolute title in
the case of
doubtful titles.

41.(1) Subject as hereinafter provided, in any case in which the Commissioner would be required under section 29 to make a declaration of provisional title, he may make a declaration of absolute title.

(2) Before making such a declaration the Commissioner shall give notice by advertisement in the *Gazette* and in at least one daily newspaper circulating in Guyana, and by service on such persons as he may consider

necessary, of his intention to make a declaration of absolute title unless an objection is submitted within such time as may be appointed, being not less than one month nor more than twelve months from the date of such advertisement.

(3) If thereafter the Commissioner makes a declaration of absolute title, he may direct that the person in whose favour it is made shall as a condition of registration with an absolute title pay to the Assurance Fund such additional contribution as he may consider necessary and just.

Publication of declaration of title and procedure thereafter.

42. (1) On the making of any declaration of title, the Commissioner shall cause a notice thereof to be published in the *Gazette* and in one daily newspaper circulating in Guyana.

(2) The Commissioner shall thereupon transmit the declaration of title to the Registrar, and thereafter sections 32 to 36 (inclusive), so far as they are applicable to declarations of title, shall apply, and the period referred to in section 34 (1) shall commence from the date of the *Gazette* in which the aforesaid notice appears.

First registration by transport. c. 5:01.

43. (1) Subject to the provisions of the Deeds Registry Act, land held under a document of title may be brought under the operation of this Act by passing transport thereof to any person as registered proprietor.

(2) Where an agreement has been made for the sale and purchase of any unregistered land by transport, the purchaser may require the vendor to pass transport to him as registered proprietor and the vendor shall thereupon pass transport accordingly.

(3) Any person may pass transport of any land to himself as registered proprietor and in such case no duty shall be payable in respect of such transport.

c. 5:01

(4) Any transport passed in accordance with this section shall be passed in the same manner and subject to the same conditions as transports passed under the Deeds Registry Act save and except –

- (a) that in the vendors instructions to advertise and in every advertisement and in the transport the transferee shall be described by the addition of the words as registered proprietor under the Land Registry Act; and
- (b) that on being passed the transport shall be registered in accordance with this Act and not the Deeds Registry Act.

(5) No transport shall be passed under this section unless the Registrar has certified in the certificate which he is required to sign under the Deeds Registry Rules that the land is not already registered under this Act and unless the person passing the transport is the owner of the entirety of the land sought to be registered.

First
registration
upon order of
Court.

44. Where by any judgment or order the Court, whether on appeal or otherwise, has awarded to any person title to any unregistered land or has declared that any person is entitled to such land, the Registrar of the Court shall transmit to the Registrar a copy of the said judgment or order, and the Registrar shall thereupon register the title of such person as the proprietor thereof.

First
registration in
lieu of judicial
sale transport.

45. Upon the sale in execution of any unregistered land, the marshal shall deduct from the proceeds of sale the costs of registering the title of the purchaser as the proprietor of the land. So soon as the purchase money has been paid in full, the marshal in lieu of passing a judicial sale transport shall execute an application for the registration of the title of

the purchaser as proprietor of the land. Such application, together with the costs of registration shall be lodged by the marshal with the Registrar who shall thereupon register the title of the purchaser accordingly.

First
registration
upon vesting
under an Act.

46. Where in accordance with any Act any unregistered land hereafter becomes vested in the State or in any person, the plans of such land and any certificate or other document required by any such Act to be deposited shall be deposited with the Registrar who shall thereupon register the title of the State or person as the proprietor of the land so vested.

First
registration
upon partition
or re-allotment.
c. 60:03

47. Where any unregistered land has been partitioned or re-allotted under the District Lands Partition and Re-allotment Act, the officer appointed by the Minister under that Act shall apply to the Registrar for registration of the titles of the persons to whom the land has been allotted, and the Registrar shall thereupon register the titles accordingly.

C. General

Endorsement of
documents
filed as of
record.

48. Upon the first registration of any land –

- (a) any subsisting documents of title filed as of record in the Deeds Registry or in the Lands Department and referring to the land shall be endorsed with a statement that the land has been registered under this Act and with a reference to the parcel-number under which the land has been registered; and
- (b) all documents produced to the Commissioner or to the Registrar as evidence of title to the land to which they refer shall be marked cancelled

and retained in the land registry.

First registration with absolute title adverse to provisional title.

49.(1) Any person claiming ownership of any land under any title subject to which the land was registered, or the existence or possible existence of which is referred to in a declaration of provisional title, may apply to the Commissioner for a declaration of absolute title in accordance with this Act, but shall serve a copy of such application on the registered proprietor.

(2) If on the hearing of the application the Commissioner is satisfied that the applicant is the owner of the land under the aforesaid title and that, but for the certificate of provisional title, he would be entitled to recover possession thereof from the registered proprietor, the Commissioner shall make a declaration of absolute title in favour of the applicant and an order that the provisional title be cancelled or rectified and that the certificate of provisional title be called in for cancellation or rectification.

PART V THE REGISTER

Form of register.

50. The register shall be in such form as may be prescribed.

Index plan and blocks.

51.(1) An index map shall be kept showing the boundaries of all registered land.

(2) For the purposes of the index map Guyana shall be divided into areas to be known as "blocks" and every block shall be given a reference number.

(3) The parcels in each block shall be numbered consecutively and the numbers of the block and parcel shall together be the parcel- number and shall be a sufficient reference to any parcel.

First entry in register.

52. Upon the first registration of any parcel of land under this Act, the Registrar shall open in the register a folio which shall be the register in respect of that parcel and shall enter thereon a memorial of the title of the proprietor and the parcel-number and the land comprised in that parcel shall thereupon become subject to the operation of this Act.

No registration except by plan.

53. The Registrar shall not bring under this Act any land whether pursuant to a declaration of title or an order of the Court or of the Commissioner or otherwise nor shall he register any interest, sub-division or partition in or of registered land, unless it is delineated on and defined or identified by a recorded plan:

Provided that if such land, interest, sub-division or partition is delineated on and defined or identified by a diagram or plan other than a recorded plan which in the opinion of the Registrar sufficiently defines or identifies the same to enable it to be located by survey, the Registrar may register the same in accordance with such diagram or plan subject to such conditions as may be prescribed.

Entry of memorials register.

54. (1) The Registrar shall enter upon the register of each parcel a memorial of –

- (a) all subsisting interests to which that parcel is subject at the time when it is brought under the operation of this Act in such manner as to preserve the priorities thereof;
- (b) every instrument dealing or other matter affecting that parcel which is required by this Act to be registered.

(2) Every memorial entered in the register shall be in such form as may be prescribed.

Provisions as to instruments.

55. (1) Every instrument presented for registration –

- (a) shall be in such form as may be prescribed;
- (b) shall be executed by every person who is a party thereto unless the Registrar considers that execution by any particular party is unnecessary; and
- (c) shall except in the case of an instrument of transfer of land be in duplicate,

and the signature or mark of every person executing the instrument shall be attested in the prescribed manner.

(2) An instrument may affect more than one parcel of land including unregistered land, but no memorial shall be made of any matter affecting unregistered land.

(3) Where an instrument affects land in more than one district, the registrar of each district to whom the instrument is presented for registration may require the presentation for filing in his office of a copy of the instrument certified as a true copy by the registrar in whose district an executed copy has already been filed.

Endorsement of instruments.

56. Every instrument presented for registration shall be endorsed in such manner as to record the order in which instruments are presented for registration.

Registration of instruments.

57.(1) Every instrument, dealing or other matter affecting any registered land shall when registered be deemed to have been registered so soon as it was presented for registration, notwithstanding that the entering of the

memorial may have been delayed.

(2) Instruments registered with respect to the same interest shall, notwithstanding any rule of law or equity to the contrary, be entitled in priority the one over the other according to the order in which they are presented for registration and not according to the date of each instrument itself.

(3) Where an infant or a person under any other disability is registered as the proprietor of any land the Registrar shall endorse on the register the age of such infant or the nature of the disability so far as is known to him.

Filing of
instruments.

58. (1) On registration of any instrument the Registrar shall file the same or if in duplicate one part thereof and shall deliver the other if any to the person presenting the same for registration.

(2) Where there is any conflict between the part of any instrument filed in the registry and the part delivered as aforesaid to the person presenting the instrument for registration, the first mentioned part shall prevail.

Instruments not
to be
registered.

59. The Registrar shall not register any instrument –

- (a) except in the manner herein provided;
- (b) unless the instrument is in accordance with this Act;
- (c) unless the prescribed fee if any has been paid or, in cases where the instrument is liable to duty or to stamp duty, the duty has been paid or the instrument purports to have been duly stamped; but no registration shall be invalidated by reason of any

error in this respect;

- (d) unless the instrument is presented for registration by a party thereto or by his attorney or by a barrister or solicitor.

Rectification of register by Registrar.

60.(1) In formal matters and in the case of errors or omissions not materially affecting the interest of proprietors and in any case with the consent of all persons interested, the Registrar or in his absence the Deputy Registrar shall have power to rectify the register, but in any such case he shall not erase or render illegible the original entry and shall affix the date on which such correction or entry was made.

(2) Every correction or entry under this section shall have the like validity and effect as if the error or omission had not occurred, but without prejudicing any rights accrued from any entry made in the Register before the actual time of correcting the error or supplying the omitted entry.

Rectification of register by Court.

61. Rectification of the register may be ordered by the Court in such manner as the Court thinks fit –

- (a) where the Court is satisfied that the registration of any person as proprietor of land has been obtained through any error or omission or by reason of any entry procured by fraud or made under a mistake;
- (b) in any other case where by reason of any error or omission in the register or by reason of any entry procured by fraud or made under a mistake the Court deems it just to rectify the register:

Provided that as against a proprietor who has acquired the land *bona fide* for value the Court shall not rectify the register unless such proprietor is privy to the fraud or mistake or has caused or substantially contributed thereto by his act, neglect or default.

Titles not to be cancelled.

62. Except in accordance with this Act no title to registered land shall be cancelled or rectified.

Approved plans.

63. Subject to the payment of such fees as may be prescribed, the proprietor of any land may at any time apply to the Commissioner of Lands to approve any plan of a survey as defining the precise position of the boundaries of the land. The Commissioner of Lands may, after the survey and plan have been checked, approve such plan and certify accordingly, and the Registrar shall upon the application of the proprietor enter in the register a memorial thereof.

PART VI

TITLE OF REGISTERED PROPRIETORS

Instruments ineffectual until registered.

64. (1) No unregistered instrument shall be effectual to pass any interest in registered land, but upon registration of an instrument the interest therein specified shall pass, or the land shall become liable as security for the payment of money, as the case may be, subject to such terms and conditions as are set forth in the instrument and are capable of taking effect and subject to such terms and conditions as are by law declared to be implied in instruments of a like nature.

(2) Nothing in this section shall be construed as preventing any unregistered instrument from operating as a contract.

Nature of title.

65.(1) Subject as hereinafter provided, the title of every registered proprietor shall be absolute and indefeasible and accordingly shall not be impeached or affected in any way by the existence in any other person of any interest (whether derived by grant from the State or otherwise) which but for this Act might be held to be paramount or to have priority or by reason or on account of any informality or irregularity in the application or proceedings for registration except –

- (a) in the case of fraud;
- (b) as regards any portion of land erroneously included in any parcel by misdescription of boundaries, unless such proprietor is a *bona fide* purchaser for value or derived title from or through such a purchaser;
- (c) as otherwise specified in the register or provided in this Act.

(2) In this Part “prior title” means the title of the person, or the title of any registered proprietor which is derived under or through the person, who was registered as the proprietor of any land upon that land being first brought under the operation of this Act, and conflicting title means any title which was registered after the first registration of any prior title and in conflict therewith.

(3) A prior title shall prevail over a conflicting title except –

- (a) where the conflicting title was registered pursuant to a declaration of title made by the Court or by the Commissioner; or
- (b) where the holder of the conflicting

title or any person under or through whom he derived that title has been in actual possession of the land adverse to the holder of the prior title for twelve years or more; or

- (c) where any holder of the prior title is proved to have had actual notice of the intended or actual registration of the conflicting title and to have taken no steps either to prevent the registration thereof or within one year of such notice to have the registration thereof cancelled; or
- (d) where the Court is of opinion that it would cause undue hardship for the registration of the prior title to prevail,

and in all such cases the conflicting title shall prevail.

Absolute title.

66. Every proprietor registered with an absolute title shall hold the registered land subject to –

- (a) any interests registered or entered in the register;
- (b) any public right of way or easement;
- (c) any charge on or over land created by the express provisions of any other Act without reference to registration under this Act to secure any unpaid rates, taxes, assessments or other moneys due and owing to the State or to any statutory authority;

- (d) such interests as may under the provisions of this Act subsist over registered land without being entered in the register,

but with all rights, privileges and appurtenances belonging or appurtenant to such land and free from all other rights and interests whatsoever including rights and interests of the State.

Provisional
title.

67. Every proprietor registered with a provisional title shall hold the registered land except as against any person claiming any right or interest therein arising before a specified date or under a specified instrument or otherwise particularly described in the register, and the registration of a proprietor with a provisional title shall have the same effect as the registration of a proprietor with an absolute title save that registration with a provisional title shall not affect or prejudice the enforcement of any right or interest stated in the register to be excepted.

Conversion of
provisional into
absolute title.

68.(1) Any proprietor registered with a provisional title or any interested person may at any time apply to the Commissioner to be registered or to have the proprietor registered with an absolute title and all the provisions of this Act relating to an application for a declaration of title in the case of first registration in an area other than a registration area shall apply except that it shall not be obligatory on the Commissioner to cause the application to be advertised.

(2) If at the hearing of any such application the Commissioner is satisfied that the qualification to which the provisional title is subject has ceased to be of effect or that it is a case in which a declaration of absolute title may be made in accordance with section 41, the Commissioner shall make an order for the registration of the applicant with absolute title after such advertisement as he may think fit or as is required

by that section.

(3) On the making of any such order or upon the expiration of twelve years from the date of first registration with a provisional title, the Registrar shall on the application of any interested party strike the words "provisional title" from the register and the title of the registered proprietor shall thereupon become an absolute title.

Protection of
person dealing
in registered
land.

69.(1) A person contracting or dealing or taking or proposing to take a transfer in respect of registered land shall neither be required nor be concerned in any manner to –

- (a) inquire or ascertain the circumstances in or under which or the consideration for which the registered proprietor or any previous registered proprietor of the land in question is or was registered;
- (b) see to the application of the purchase money or any part thereof;
- (c) give effect to, nor be affected in any way by, any notice of any instrument, fact or thing, whether registered or not under the Deeds Registry Act or under any other act, or of any trust, right or interest, unregistered or unprotected by caveat, any rule of law or equity to the contrary notwithstanding.

c. 5:01

(2) The protection granted by this section shall not apply to a person who is privy to or has notice of any fraud relating to the transfer to such person, but knowledge of the existence of any instrument, fact or thing, trust, right or interest, unregistered or unprotected as aforesaid, or omission

to search a register not kept under this Act or investigate any of the matters hereinbefore mentioned, shall not of itself be imputed as fraud.

Actions of
ejectment.

70.(1) Save as hereinafter provided no action of ejectment in respect of registered land or other action suit or proceeding for the recovery of such land shall lie or be sustained against the registered proprietor except in relation to the enforcement of mortgages, charges, leases or other interests registered under this Act or of an order of the Commissioner made under section 49, and the production of the certificate of title shall be held in every court of law to be an absolute bar and estoppel to any such action, any rule of law or equity to the contrary notwithstanding.

(2) An action may be brought against a registered proprietor not being a *bona fide* transferee for value nor deriving title from or through such a transferee by –

- (a) a person deprived of any land by or through the fraud of the registered proprietor or of any prior registered proprietor from or through whom he derived title otherwise than as a *bona fide* transferee for value;
- (b) a person deprived of or claiming any land erroneously included in any parcel by misdescription of boundaries:

Provided that the claim of such person is not then barred by any law relating to limitation.

(3) Subject to section 65, an action may be brought against the registered proprietor of any prior or conflicting title.

PART VII
CERTIFICATE OF TITLE

Certificate of
title
First Schedule.

71. The Registrar shall if requested issue to the registered proprietor of any land a certificate of title in Form A(1) or A(2) of the First Schedule as the case may require, and except as otherwise provided in or under this Act a second certificate shall not be issued in respect of the same land.

Production of
certificate.

72. Where a certificate of title has been issued under the last preceding section it shall, unless the Registrar dispenses in writing with its production, be produced to the Registrar on the registration of any dealing with the land to which it relates and an endorsement of such registration shall be made thereon.

Lost or
destroyed
certificates.

73. If a certificate of title is lost or destroyed, the registered proprietor may apply to the Registrar for the issue of a new certificate and shall produce evidence to satisfy the Registrar of such loss or destruction. The Registrar may require the applicant to make a statutory declaration that the certificate has been lost or destroyed and that it has not been deposited with any person by way of security for a loan or for any other purpose. The Registrar, if satisfied with the evidence of the loss or destruction of the certificate, and after the publication of such notice as he thinks fit, may issue a new certificate.

Replacement of
certificates.

74. Where any certificate of title has been mutilated or is soiled or damaged or otherwise rendered illegible, or there is no space for further endorsements thereon, the Registrar may in his absolute discretion and at the expense of the registered proprietor issue a new certificate of title in lieu thereof and shall destroy the certificate of title so replaced.

Admissibility
of certificates.

75. Every certificate of title and every certificate issued under section 141 shall be conclusive evidence of the several

matters therein contained.

PART VIII TRANSFERS

Form and effect
to transfer.
First Schedule.
[14 of 1982
13 of 1993]

76.(1) The proprietor of any registered land may transfer the same by an instrument of transfer in Form B of the First Schedule, and upon registration of such instrument the interest of the transferor as therein set forth together with all his rights, powers and remedies shall pass to and be vested in the transferee as proprietor thereof.

(2) Every transfer shall be signed by the transferee or, where the transferee is an infant or person of unsound mind, by his guardian or committee, or shall be accompanied by a statement signed as aforesaid to the effect that the transferee accepts the transfer:

Provided that, except in the case of an infant or person of unsound mind, the Registrar may accept and register a transfer without such statement if he is satisfied that the transferee has accepted the transfer:

Provided further that the Registrar shall not accept and register a transfer in respect of a gift or voluntary sale unless the transferor presents to the Registrar:

- (a) a certificate of the Commissioner-General of the Revenue Authority (hereinafter referred to as the Commissioner) stating that he has in accordance with section 60 of the Income Tax Act delivered to the Commissioner all his returns, including the return for the preceding year of income, and has paid all taxes due and payable to the Commissioner by him or has made arrangements to

the satisfaction of the Commissioner for the payment of all such taxes that are due and payable; and

- (b) a certificate from such officer of the local democratic organ, within the boundaries of which such immovable property is situated, as may be authorised by that local democratic organ in that behalf stating that the donor, vendor, lessor, transferor or assignor, as the case may be, has paid or made arrangements to the satisfaction of that officer for the payment of all rates and other sums due and payable by him in respect of such immovable property.

Transfer of mortgaged or charged land.

77.(1) A transfer of land subject to a registered mortgage shall not be registered unless it is executed by the transferee and the consent thereto of the mortgagee has been filed in the land registry.

(2) On registration of a transfer of land subject to a mortgage or charge the transferee shall become liable to pay the moneys and to perform the obligations secured by the mortgage or charge and to perform and observe the terms and conditions thereof and to indemnify and keep harmless the mortgagor or grantor of the charge in respect of such moneys, obligations, terms and conditions.

Life interests.
First Schedule.

78. Registered land may be transferred subject to a life-interest, by an instrument of transfer in Form B of the First Schedule modified as the circumstances may require –

Proof of purchase before Commissioner.

79.(1) If it is claimed –

- (a) that land has been sold by the

registered proprietor and the whole of the purchase money paid; and

- (b) that the purchaser or any person claiming under him has entered and taken possession under such purchase and such entry and possession have been acquiesced in by the said proprietor or his representatives; but
- (c) that a transfer cannot be obtained as the said proprietor is dead or under a disability or not in Guyana or cannot be found or that for any reason it is impracticable to obtain his signature within a reasonable time,

then the person claiming to be the purchaser or any person claiming under him may apply to the Commissioner to be registered as the proprietor of the land.

(2) Where an application has been made under this section, the provisions of sections 39, 40 and 42 shall apply so far as they are applicable and with such adaptations as may be necessary.

(3) Upon the registration of the title of the claimant, the title of the previous proprietor shall pass in the same manner as if he had executed a transfer thereof to the claimant.

PART IX MORTGAGES AND CHARGES

Form of
mortgage and
charge
First Schedule.

80. (1) The proprietor of any registered land may –

- (a) mortgage the same by an instrument

of mortgage in Form C of the First Schedule; or

- (b) charge the same to secure the payment of a rent-charge, annuity or other periodical sum by an instrument of charge in Form D of the First Schedule.

First Schedule.

(2) There may be included in any instrument of mortgage or charge such terms and conditions as the parties think fit.

Conditions implied in mortgages.

81. Save as otherwise expressly provided in the instrument of mortgage, there shall be implied in every mortgage registered under this Act the following terms and conditions –

- (a) that the mortgagor will pay the principal money therein mentioned on the day therein appointed and will so long as the principal money or any part thereof remains unpaid pay interest thereon or on so much thereof as for the time being remains unpaid at the rate and on the days and in the manner therein specified;
- (b) that the mortgagor will not remove or demolish any building on the land, save with the consent in writing of the mortgagee;
- (c) that the mortgagor will repair and keep in repair all buildings or other improvements which have been or are erected or made upon the land;

- (d) that the mortgagee with or without surveyors or other persons may at all reasonable times until the mortgage is discharged enter upon the land to view the state of repair of such buildings or improvements;
- (e) that the mortgagor will insure and keep insured all buildings upon the land against loss or damage by fire with insurers approved by the mortgagee to the full value thereof and such insurance shall be assigned to the mortgagee by way of security for the mortgage;
- (f) that the mortgagor will pay all rates and taxes levied upon the land;
- (g) that the mortgagor will not sell or lease the land or create any easement thereover without the consent in writing of the mortgagee.

Variation of mortgages and charges.

82. The terms and conditions of any mortgage or charge may be varied by the registration of a memorandum of variation executed by the parties thereto, but no such variation shall affect the rights of the holder of any subsequent mortgage or charge unless he has consented thereto in writing on the memorandum of variation.

Postponement of prior mortgages and charges.

83. A mortgage or charge may be postponed to any mortgage or charge registered subsequently thereto by the registration of a memorandum of postponement executed by the prior mortgagee or holder of the prior charge.

Discharge of mortgages and charges.

84. Upon the production of a memorandum signed by the mortgagee or holder of the charge discharging the land or

part thereof from the whole or part of the moneys secured, the Registrar shall enter a memorial to that effect and thereupon the land or the portion of land described in such memorandum shall cease to be subject to or liable for such moneys or such part thereof.

Payment to credit of absent mortgagee.

85.(1) Where a mortgagee is dead or under a disability or not in Guyana or cannot be found and there is no person authorised to give a receipt for any sum due under the mortgage, the Registrar may, upon the application of the mortgagor supported by such proof as the Registrar may require, authorise the mortgagor to pay into Court the said sum, and upon such payment any interest payable under the mortgage on the said sum shall cease to run or accrue.

(2) Any sum paid as aforesaid shall be held to the credit of the mortgagee, and the Registrar of the Court shall pay the same together with any interest accrued thereon to the mortgagee or other person for the time being entitled thereto.

Discharge of mortgage or charge by Registrar on proof.

86. Upon proof to the satisfaction of the Registrar –

- (a) that all moneys due under any mortgage have been paid to the mortgagee or to his credit; or
- (b) that there has occurred the event or circumstance upon which in accordance with the provisions of any charge the moneys thereby secured cease to be payable, and that no moneys are owing in respect of the charge,

the Registrar shall enter a memorial discharging the land from such mortgage or charge, and the land shall thereupon cease to be subject to such mortgage or charge.

Creation of lien
by deposit of
certificate
First Schedule.

87.(1) Any person with whom the certificate of title of any registered land has been deposited with the intention of creating a lien thereover may give to the Registrar notice of such deposit in Form E of the First Schedule, and thereupon the Registrar shall enter a memorial of the same and shall make a corresponding endorsement upon the certificate of title.

(2) Any person who has given notice of deposit may at any time withdraw the same by notice in writing and the Registrar shall thereupon cancel the memorial and endorsement thereof.

(3) Where a memorial of a notice of deposit has been entered, no dealing in the land to which the certificate of title relates shall be registered until such memorial has been cancelled unless the consent in writing of the person who gave the notice is produced to the Registrar.

Enforcement of
mortgages and
charges.

88. The provisions of any act or rule of court or of practice relating to the enforcement of any mortgage or charge shall apply *mutatis mutandis* to the enforcement of a mortgage or charge on registered land.

PART X LEASES

Leases.
First Schedule.
[14 of 1982]

89.(1) The proprietor of registered land may lease the same for any term exceeding three years by an instrument of lease in Form F of the First Schedule.

(2) A lease for a term of three years or less executed in the prescribed form may be registered, but such lease shall be of full force and effect notwithstanding that it has not been registered:

Provided that the Registrar shall not register a lease

expressed to be for a term of twenty-one years or more, or any transfer or assignment thereof, unless the lessor or transferor, or assignor as the case may be, presents to the Registrar the certificates containing the particulars referred to in the second proviso to section 76(2).

Conditions implied in leases.

90.(1) Save as otherwise expressly provided in the instrument of lease, there shall be implied in every lease registered under this Act the following terms and conditions:

- (a) that the lessee will pay the rent reserved by the lease at the times therein mentioned;
- (b) that the lessor will pay all rates and taxes which may be payable in respect of the premises during the continuance of the lease;
- (c) that save in the case of premises leased as dwellings for human habitation the lessee will keep and yield up the premises in good and tenantable repair, accidents and damage from storm and tempest and reasonable wear and tear excepted;
- (d) that the lessor may by himself or his agents during the term at any reasonable time of the day, upon giving the lessee two days previous notice, enter upon the premises and view the state of repair thereof and may serve on the lessee a notice in writing of any defect requiring him within a reasonable time to repair the same in accordance with any terms or conditions in that behalf expressed or

implied in the lease;

- (e) that in default of the lessee repairing any defect according to notice the lessor may from time to time enter the premises and effect the required repairs;
- (f) that the lessor may by himself or his agents at all reasonable times during the term, with workmen and other persons and all necessary materials and appliances, enter upon the premises or any part thereof for the purpose of complying with the provisions of any legislation affecting the premises and of any notices served on the lessor or the lessee by any public authority involving the carrying out of repairs or the doing of any work or other act which the lessee may not be bound or if bound may neglect to do, and also for the purpose of exercising any right of the lessor under the lease:

Provided that such repairs, work or other acts shall be carried out or done without undue interference with the occupation and use of the premises by the lessee;

- (g) that in case the rent or any part thereof is in arrear for the space of thirty days (although no formal demand therefor has been made) or in case default is made in the fulfilment of any term or condition whether

expressed or implied in the lease and on the part of the lessee to be performed or observed and such default is continued for the space of thirty days, or in case the repairs required by such notice as aforesaid are not completed within the time therein specified, the lessor may re-enter on the premises or on any part thereof in the name of the whole and thereby determine the interest of the lessee therein, but without releasing him from liability in respect of the breach or nonobservance of any such term or condition.

(2) This section shall be read subject to any Act imposing restrictions or conditions on re-entry or forfeiture or on ejection of tenants.

Variation and extension of leases.

91. The terms and conditions contained or implied in any lease may be varied, negated or added to, and the term of any lease may from time to time be extended, by a memorandum signed by the lessor and the lessee for the time being and registered before the expiration of the then current term of the lease.

Renewal and substitution of leases.

92.(1) Where upon the registration of a lease the Registrar is satisfied that –

- (a) it is in renewal of or in substitution for a lease previously registered; and
- (b) the lessee is the person registered as the proprietor of the prior lease at the time of the registration of the new lease or at the time of the expiration or surrender of the prior lease,

whichever is the earlier,

he shall, if the lessee so requests and if the new lease is registered not later than eighteen months after the expiration or surrender of the prior lease, state in the memorial of the new lease that it is in renewal of the prior lease or in substitution for the prior lease as the case may be.

(2) In every such case the new lease shall be deemed to be subject to all interests to which the prior lease is subject at the time of the registration of the new lease or at the time of the expiration or surrender of the prior lease, whichever is the earlier.

(3) For the purposes of this section all references in any written law or in any agreement, deed, instrument, notice or other document whatsoever to the prior lease or to the interest of the lessee thereunder shall, unless inconsistent with the context or with the provisions of this section, be deemed to be references to the new lease or to the interest of the lessee thereunder as the case may be.

Leases of mortgaged or charged land.

93. No lease of registered land subject to a mortgage or charge nor any memorandum varying or extending any such lease shall be binding on the mortgagee or holder of the charge except so far as he has consented thereto in writing.

Sub-leases.

94. (1) Subject to any provision in his lease affecting his right so to do, the proprietor of any registered lease may sublet for any period less than the remainder of his term by an instrument of sub-lease.

(2) Save as otherwise expressly provided, the provisions of this Act affecting leases, lessors and lessees shall apply to sub-leases, sub- lessors and sub-lessees, with such adaptations as are necessary.

(3) If a lease is determined by operation of law or

by surrender under any written law relating to insolvency such determination shall determine the sub-lease.

(4) In addition to the terms and conditions specified by this Act to be implied in leases, there shall be implied in every sub-lease under this Act a term that the sub- lessor will during the continuance of the sub- lease pay the rent reserved by the original lease and observe the terms and conditions thereof.

(5) Where any sub-lessee has paid to the original lessor of the land the rent or any part of the rent payable by his sub-lessor in respect of the original lease, the sub-lessee shall be entitled to set off any sum so paid against the rent payable by him to his sub-lessor in respect of his sub-lease.

Surrender of leases.

95. A lease of registered land may be surrendered by an instrument of surrender executed by the lessee and the lessor and by any sub-lessee thereof and by any mortgagee or holder of a charge thereon.

Determination of leases.

96. (1) Where a lease has been determined by effluxion of time or by the happening of an event upon which the lease is expressed to determine or by lawful re-entry and recovery of possession or otherwise, the lessor may apply in writing to the Registrar to register the determination of the lease.

(2) An application under this section shall be supported by such evidence of the happening of the event or of the lawful re-entry as the Registrar may require, and the Registrar on being satisfied of the matters set forth in the application shall enter a memorial determining the lease, and the land shall thereupon cease to be subject to the lease.

**PART XI
TRANSMISSION**

Transmission
on death.

97.(1) The executor or administrator of the deceased proprietor of any registered land may apply to be registered as proprietor thereof by transmission, and the Registrar upon proof to his satisfaction of such transmission shall register the applicant as proprietor in accordance with section 116.

(2) If the executor or administrator of a deceased proprietor has been registered as the proprietor of the land, no person claiming under the will or intestacy or otherwise shall be registered as proprietor thereof unless and until a transfer thereof under section 76 has been executed and registered.

(3) If the executor or administrator of a deceased proprietor has not been registered as the proprietor of the land, any other person claiming to have acquired the same under a will or intestacy may apply to be registered as proprietor thereof by transmission, but no such person shall be registered unless he produces the consent in writing of the executor or administrator to the registration or satisfies the Registrar that a transfer to him by the executor or administrator cannot be obtained.

Dealing where
transmission
not registered.

98. Upon production of a grant of probate or letters of administration, the Registrar may without requiring the executor or administrator to be registered register –

- (a) any transfer by the executor or administrator in pursuance of the will or by way of distribution under intestacy or in pursuance of an agreement between the persons entitled thereto or of a contract entered into by the proprietor in his lifetime;

- (b) any discharge or cancellation of a mortgage or charge of which the deceased person was the proprietor;
- (c) any surrender of a lease of which the deceased person was the proprietor.

Application to register persons entitled.

99. (1) If the executor or administrator of a deceased proprietor fails or neglects to transfer any land to the person entitled thereto, or if such land is not for any reason registered in the name of the person entitled thereto, such person or any judgment or execution creditor of such person or any person claiming an interest in such land may, at any time after the expiration of one year from the date of the grant of probate or administration, apply to the Commissioner to order the registration of the land in the name of the person entitled thereto.

(2) Upon such application the Commissioner, if satisfied that the executor or administrator has had notice of the application and that the estate has been fully administered, may grant the application and direct the Registrar to register the land accordingly.

Transmission on insolvency.

100. (1) On the adjudication of insolvency of any registered proprietor or on the making of an order for the administration in insolvency of the estate of a deceased registered proprietor, the Official Receiver or assignee in insolvency claiming any land of the insolvent may apply to be registered as proprietor thereof by transmission, and upon proof of such adjudication or order and that the applicant is entitled thereto the Registrar shall register the applicant as proprietor in accordance with section 116.

(2) Notwithstanding the provisions of any Act affecting insolvency, the vesting of any registered land thereunder shall be subject to the registration of the

transmission of the land under this section.

Effect of disclaimer, discharge and annulment.

101. Notwithstanding the provisions of any Act relating to insolvency, no disclaimer and no order for the discharge of an insolvent and no order for the annulment of an adjudication in insolvency shall operate to divest an assignee of any registered land of which he is the proprietor until he has executed and caused to be registered such transfers or other instruments as may be necessary to give effect to any such disclaimer or order as aforesaid.

Receiving winding-up and other orders.

102. (1) Where a receiving order or winding-up order against the proprietor of any registered land or an order of the Court appointing any person as receiver or manager of the property of any such proprietor is made, and such order does not operate to vest such land in any person, the order shall not be registered, but the Official Receiver, liquidator, receiver or manager may lodge a caveat under section 125.

(2) Any such caveat shall be cancelled by the Registrar on proof to his satisfaction that the order has been annulled or revoked or has ceased to have effect or on the registration of a transmission under section 100.

Transmission by operation of law.

103. Where the State or any person has become entitled to any registered land under any Act or by virtue of any order or writ of execution made or issued under the provisions of any Act or rules of court or otherwise by act or operation of law not otherwise herein provided for, the Registrar may, on the application of any interested person supported by such evidence as he may require, register the State or person as the proprietor thereof.

Transmission on death of joint proprietor or holder for life.

104. Upon the death of a joint proprietor or of the proprietor of a life holding or interest in registered land, the Registrar shall, on the application of any interested person accompanied by proof of the death of such proprietor, make such entries in the register as may be necessary in relation

thereto.

Effect of
transmission.

105. On registration of the transmission of any registered land, the title of the person registered as proprietor shall relate back to and be deemed to have arisen upon the happening of the event upon which such transmission took place, as if there had been no interval of time between the happening of such event and such registration.

**PART XII
ACQUISITION OF TITLE BY ADVERSE
POSSESSION**

Acquisition of
title by adverse
possession.

106. Notwithstanding the provisions of any other Act, no title to registered land may be obtained by adverse possession against the registered proprietor thereof except in accordance with the provisions of this Part.

Application for
declaration of
title and
procedure
thereon.

107. (1) Any person who would have obtained title by adverse possession to any registered land if that land had not been registered may submit to the Commissioner an application for a declaration of title to the said land.

(2) Such application shall be lodged with the Registrar together with –

- (a) the documents or other evidence relied on in support of the application;
- (b) an affidavit containing such particulars as may be prescribed;
- (c) a plan of the land.

(3) The Registrar shall transmit to the Commissioner the application, documents, affidavit and plan,

together with a statement of the title to the land as it appears in the register.

(4) Upon receipt of an application the Commissioner shall investigate it and, if he considers it to be without merit, may dismiss it.

(5) If the Commissioner does not dismiss an application, he shall –

- (a) cause notice of the application to be published in the *Gazette* and in one daily newspaper circulating in Guyana; and
- (b) serve notice of the application upon every person shown in the register as proprietor of the land.

(6) A counter-application or notice of objection may be submitted in such manner as may be prescribed.

(7) If, upon the expiration of the period of one year from the date of the *Gazette* in which the notice appeared, the application has not been withdrawn by the applicant or dismissed under the next following section, the Commissioner shall fix a day for hearing and shall summon the applicant and any counter-applicants or objectors to appear before him and shall serve final notice of the application and of the day of hearing upon every person shown in the register as proprietor of the land.

(8) Where an application has been made under this section, sections 39, 40 and 42 shall apply so far as they are applicable and with such adaptations as may be necessary.

(9) Neither the submission of an application under this section nor the lodging of a caveat to protect a claim to

registered land by adverse possession shall operate to prevent any person claiming under or through the registered proprietor from being registered as proprietor of the land.

Title of registered proprietor to prevail.

108. If at any time before the making of a declaration of title any person lodges with the Commissioner an affidavit to the effect that he is the person registered as the proprietor of the land claimed, the Commissioner shall stay any proceedings on the claim that may be pending before him and shall investigate the identity of the person lodging the affidavit. If he is satisfied that such person is the registered proprietor, he shall dismiss the application and notify the applicant accordingly, but otherwise he shall proceed to hear the application and any counter applications as if the affidavit had not been lodged:

Provided that the Commissioner shall not dismiss an application solely on the ground that any person is the registered proprietor of an easement in or over the land, but in such case the declaration of title shall be made subject to such easement.

Extinction of previous title.

109. Upon the registration of the title of any person as provided in this Part the title of the previous proprietor together with all interests in the land arising thereunder shall cease and determine.

No limitation against registered proprietor.

110. The registered proprietor of any land, or any person claiming title thereto under him, may bring an action to recover possession of such land notwithstanding that any period of limitation laid down in any Act may have expired.

PART XIII EASEMENTS, RESTRICTIVE COVENANTS AND OTHER RIGHTS AND INTERESTS

Registration of easements and

111. (1) Subject as hereinafter provided, the proprietor

restrictive
covenants.

of any registered land may by instrument create an easement thereover or subject the land to the burden of a restrictive covenant.

(2) An easement or restrictive covenant the benefit of which is appurtenant to any land shall not be registered unless the dominant land is either registered under this Act or is held under a document of title. Upon registration of such an easement or covenant, the Registrar shall enter a memorial thereof in the register of the servient land, and the Registrar or Registrar of Deeds as the case may be shall enter a memorial thereof in the register of the dominant land or upon the relevant document of title.

c. 5:01

(3) The Registrar may, upon the application of any interested person, enter upon the register of any dominant land a memorial of any easement or restrictive covenant registered under the provisions of the Deeds Registry Act, notwithstanding that the servient land is unregistered.

(4) Subject as hereinafter provided, no easement hereafter created and no restrictive covenant hereafter entered into shall be binding on any registered proprietor who subsequently acquires the land *bona fide* for value, unless such easement or covenant has been registered.

Removal from
the register of
easements and
restrictive
covenants.

112. (1) The proprietor of any registered land may apply to the Commissioner for the removal in whole or in part from the register of any easement or restrictive covenant which has been abandoned or extinguished.

(2) When an application has been made under the last preceding subsection, the Commissioner shall give notice thereof to every person who appears by the register to have any interest in the land to which the benefit of the easement or restrictive covenant is appurtenant, and thereafter sections 39, 40 and 42 shall apply so far as they are applicable and with such adaptations as may be necessary.

(3) Where it is proved to the satisfaction of the Commissioner that any such easement or restrictive covenant has been abandoned or waived or has not been enjoyed or enforced in whole or in part for a period of twelve years or more, the Commissioner shall make an order cancelling the easement or restrictive covenant in whole or in part as the case may be.

(4) Upon the registration of the Commissioner's order, the easement or restrictive covenant shall become extinguished in whole or in part, as the case may be, but without releasing any person from any liability to which he may be subject at the time of the entry.

Easements
enjoyed by the
public.

113. Easements now or hereafter acquired or enjoyed by the public over any servient land shall not require registration under this Act, and nothing herein contained shall derogate from any such easements or be deemed to confer on the registered proprietor of such land a right to interfere with or obstruct the public use of any easement so acquired or enjoyed as aforesaid.

Provisions as to
buildings.

114. (1) If upon the first registration of any land the person to be registered as proprietor acknowledges that any building standing upon the land is the property of some other person, or if the proprietor of any registered land lodges with the Registrar a similar acknowledgment, the Registrar shall enter in the register an endorsement recording the existence of the building and the name of the owner and his address, if known.

(2) Such endorsement shall not operate as a registration of the building, but so long as the endorsement remains upon the register the building shall be excepted from any dealing affecting the land upon which it stands, and the fact of such exception shall be expressed in every instrument that gives effect to such dealing.

(3) Any endorsement made as aforesaid may be removed from the register in like manner and subject to the like conditions as a caveat may be removed, and for the purposes of this section service of any notice upon the person named as the owner of any building protected by an endorsement may also be effected by serving the notice on any adult inmate of the said building or by affixing a copy of the notice thereto.

(4) Nothing in this section shall operate to prevent any person claiming ownership of a building from protecting his interest therein by lodging a caveat.

Rights of way
of necessity.

115. Upon the application of the proprietor of any registered land, the Commissioner may make a declaration of title of such right of way of necessity over any other registered land as may to him seem necessary and just and may direct the manner in which the right of way is to be exercised and the compensation, if any, to be made by the proprietor of the land which enjoys the benefit thereof, and in such case shall direct that a memorial of the right of way be entered in the register both of the dominant land and of the servient land.

PART XIV TRUSTS

Registration of
proprietor in a
fiduciary
capacity.

116. (1) Any person acquiring by transmission any registered land in the capacity of executor, administrator, assignee in insolvency or in any other representative capacity shall be registered as the proprietor thereof in that capacity.

(2) Any person acquiring in any other way any registered land in a fiduciary capacity may be described by that capacity in the instrument of acquisition and if so described shall be registered as proprietor with the addition of the words "as legal owner".

Restriction may be entered but no trusts.

117. (1) On the registration of a proprietor with the addition of the words “as legal owner”, the Registrar shall if requested by such proprietor enter in the register a restriction prescribing the person to whom the proceeds of any dealing with the land shall be paid.

(2) The Registrar shall not enter in the register particulars of any will, trust or purpose.

(3) Nothing in this section shall operate to prevent any person from protecting his beneficial or other interest in any registered land by lodging a caveat.

Removal of restrictions.

118. A restriction may be removed from the register with the consent of the person named therein or by order of the Court.

Exoneration of persons dealing.

119. Subject to the provisions of any restriction entered under Section 117 or of any caveat or prohibition, a person dealing with any registered land which is held in a fiduciary capacity shall not be concerned to inquire whether the dealing is within the powers of the proprietor but he shall be entitled to assume that the proprietor has all the powers of disposition of an owner of the interest in question.

PART XV JUDGEMENTS AND WRITS

Effect of judgments and writs.

120. The provisions of any Act or rule of court or of practice relating to the execution of writs shall apply *mutatis mutandis*, to registered land, but no judgment or writ of execution shall bind or affect any registered land until a memorial thereof has been entered.

Registration of judgments and writs.

121. A judgment or execution creditor may lodge with the Registrar –

- (a) a copy of his judgment or writ of execution or a certificate signed by an attorney-at-law giving full particulars of such judgment or writ;
- (b) a statutory declaration proving the amount owing under the judgment or writ and identifying to the satisfaction of the Registrar the judgment or execution debtor as the proprietor of any registered land,

and the Registrar shall thereupon enter a memorial of the judgment or writ and shall give notice thereof to the registered proprietor:

Provided that on registration of a writ issued pursuant to a registered judgment –

- (a) it shall not be necessary for the execution creditor to make a statutory declaration, but a statement of the amount owing shall be lodged with the Registrar; and
- (b) the registration of the writ shall have the same priority as the registration of the judgment.

Removal from register of memorials of judgements and writs.

122. A memorial of a judgment or writ shall be removed from the register –

- (a) at the request of the judgment or execution creditor;
- (b) on proof to the satisfaction of the Registrar that the judgment or writ has been satisfied;

- (c) in the case of a judgment, upon registration of a writ of execution issued pursuant to that judgment;
- (d) in the case of a writ, upon proof to the satisfaction of the Registrar that the writ has lapsed in accordance with any rules of court for the time being in force.

Lapsing of
memorials of
judgements.

123. (1) If an instrument is presented for registration which purports or appears to affect any registered land against which there subsists the memorial of a judgment, the Registrar shall give notice thereof to the judgment creditor and shall suspend registration of the instrument for six weeks from the date of service of such notice.

(2) At the expiration of such period, unless the said creditor has registered a writ of execution issued pursuant to the judgment, the memorial of the judgment shall lapse and the instrument shall be registered as at the date of presentation.

(3) Nothing in this section shall operate to prevent the immediate registration of such instrument if the memorial of the judgment is removed from the register before the period of suspension has expired.

Sales in
execution.

124. Upon the sale in execution of any registered land, the marshal shall deduct from the proceeds of sale the costs of registering the transfer to the purchaser. So soon as the purchase money has been paid in full, the marshal shall execute a transfer and shall lodge the same together with the costs of registration with the Registrar.

PART XVI
CAVEATS AND PROHIBITIONS

Caveats. **125.** (1) Any person claiming any interest in any registered land whether under an unregistered instrument or otherwise may lodge with the Registrar a caveat in Form G in the First Schedule, and the statements therein shall be verified by a statutory declaration.

First Schedule.

(2) No caveat shall be accepted by the Registrar unless there is therein specified an address for service in the district in which the land registry is situate.

(3) Upon lodgement of any caveat, the Registrar shall enter a memorial and give notice thereof to the registered proprietor of the land affected thereby.

(4) A caveat may be removed from the register with the consent of the caveator or by order of the Court

(5) Upon the application of the proprietor of any registered land affected by a caveat, the Court may summon the caveator to attend before the Court to show cause why the caveat should not be removed from the register and the Court may thereupon make such order including an order as to costs as the Court thinks fit.

(6) If an instrument is presented for registration which purports or appears to affect any registered interest which is protected by a caveat, the Registrar shall give notice thereof to the caveator and shall suspend registration of such instrument for six weeks from the date of such notice. At the expiration of such period, unless the caveator has registered the instrument, if any, under which he claims or has commenced proceedings before the Court to enforce his claim, the caveat shall lapse and the instrument first mentioned shall be registered as at the date of presentation.

(7) Nothing in this section shall operate to prevent the immediate registration of an instrument if the memorial of the caveat is removed from the register before the period of suspension has expired.

(8) No land or interest affected by a caveat may be made the subject of any further caveat so as to defeat the provisions of subsection (6).

(9) If any person lodges a caveat without reasonable cause, he shall be liable in damages to any person who may have suffered loss thereby.

Prohibitions.

126. (1) For the prevention of any fraud or improper dealing or for any other sufficient cause, the Registrar may enter in the register a prohibition to the effect that no dealing with any land nor any entry affecting the same be registered except upon the fulfilment of such condition as may be expressed in the prohibition.

(2) Upon the entry of a prohibition the Registrar shall give notice thereof to the registered proprietor affected thereby.

(3) A prohibition shall operate to prevent any disposition of the land affected thereby until such conditions as may be expressed therein have been satisfied or the prohibition has been withdrawn by the Registrar or the Court otherwise direct.

(4) Upon the application of any registered proprietor affected by a prohibition, the Court may summon the Registrar to attend before the Court to show cause why the prohibition should not be removed from the register and the Court may thereupon make such order including an order as to costs as the Court thinks fit.

PART XVII
ASSURANCE FUND AND COMPENSATION

Establishment
of Assurance
Fund.

127. (1) There shall be established an Assurance Fund (hereafter in this Part referred to as "the Fund") for the purposes hereinafter mentioned.

(2) There shall be paid into the Fund –

- (a) the contributions thereto payable to the Registrar under this Act; and
- (b) until the Fund reaches the sum of one hundred thousand dollars, such proportion of the fees payable to the Registrar under this Act as the Minister responsible for finance may from time to time direct.

(3) All sums received by the Registrar as contributions to the Fund shall be paid to the Accountant General who shall place such sums to the credit of the Fund and shall from time to time invest the same, together with all dividends and profits accruing thereon, in such manner as the Minister responsible for finance may direct.

(4) All compensation including costs payable under this Act shall be paid out of the Fund, but if the amount at the credit of the Fund is insufficient to meet any claim the deficiency shall be provided out of moneys provided by Parliament. Any amount so paid shall be repaid out of the Fund so soon as the Fund shall be sufficient to repay it.

(5) The Minister responsible for finance may from time to time authorise that such sums as may be approved by resolution of the National Assembly be transferred from the Fund into the Consolidated Fund, and money transferred as aforesaid shall be used for the purpose of cadastral surveys

and plans and for such other purposes as may be required for the advancement of the objects of this Act:

Provided that at no time shall the Fund by any such transfer be reduced to an amount less than one hundred thousand dollars.

Claims against
the Fund.

128. Subject to this Act any person suffering loss or damage (whether by deprivation of land or otherwise) by reason of –

- (a) the bringing of any land under the operation of this Act;
- (b) the registration of any other person as proprietor or any rectification of the register;
- (c) any error, omission or mis-description in the register or in a certified copy thereof or of any registered document or in any other certificate of the Registrar, howsoever caused;
- (d) any payment or consideration given to any other person on the faith of any entry in the register;
- (e) the loss or destruction of any instrument or document lodged at a land registry for inspection or safe custody or otherwise;
- (f) any error, omission or misfeasance of the Registrar or of any officer in the execution of his duties;
- (g) the exercise by the Court, the

Commissioner or the Registrar of any power conferred by this Act,

shall be entitled to recover compensation out of the Fund.

Fund not liable in certain cases.

129. The Fund shall not be liable for any loss, damage or deprivation occasioned by –

- (a) the breach by a registered proprietor of any trust, whether expressed implied or constructive;
- (b) any error in a diagram or a plan not being an approved plan;
- (c) the acquisition of title to any registered land by adverse possession in accordance with this Act;
- (d) the exercise of any power conferred by this Act where the person suffering loss, damage or deprivation has been privy to the application or dealing in connexion with which such power was exercised or derives title otherwise than for value under or through a person who has been privy as aforesaid.

Persons not entitled to compensation.

130. No person shall be entitled to compensation out of the Fund –

- (a) where such person or his agent caused or substantially contributed to the loss, damage or deprivation by fraud, neglect or wilful default or derives title otherwise than for value from a person who or whose agent

has been guilty of such fraud, neglect or wilful default;

- (b) in respect of costs incurred in taking or defending any legal proceedings without the consent in writing of the Registrar, other than in proceedings against the Registrar.

Amount of compensation.

131. Where compensation is payable out of the Fund in respect of any loss, damage or deprivation, it shall not exceed –

- (a) where the register is rectified, the value of the land immediately before the time of rectification;
- (b) where the register is not rectified, the value of the land at the time when the entry, error, omission or misfeasance which caused the loss was made.

Notice of action.

132. (1) Any person claiming to be entitled to recover compensation (hereafter in this Part referred to as “the claimant”) shall, not less than six weeks before the commencement of any legal proceedings, serve notice of his claim on the Registrar stating the grounds on which such claim is made and the amount claimed together with a statutory declaration verifying the same.

(2) On receipt of such notice, the Registrar with the concurrence of the Attorney-General may within six weeks thereafter –

- (a) admit the claim in full or offer an amount in settlement thereof; or
- (b) admit liability but not the extent

thereof; or

- (c) with or without an admission of liability request the claimant to join any person as a co-defendant in any action that he may bring.

Admission or compromise of claim.

133. If the Registrar admits the claim or the claimant accepts the amount offered in settlement as aforesaid and the Registrar certifies accordingly to the Accountant General the amount so certified shall be paid forthwith out of the Fund.

Summary determination of compensation.

134. If the Registrar admits liability but does not request the claimant to join any person as a co-defendant, the claimant shall apply to the Court by originating summons to determine the amount of the compensation to be paid, and the Accountant General shall pay out of the Fund the amount so determined together with costs as certified by the Registrar of the Court.

Action for recovery of compensation.

135. (1) Subject to sections 132 and 134, the claimant may bring an action in the Court for the recovery of compensation against the Registrar without joining any person as a co-defendant.

(2) In any such action, the Registrar may at any time apply to join any person as a co-defendant or third party.

(3) If in any such action the claimant discontinues the action without the consent of the Registrar or the leave of the Court or allows the action to become deserted or abandoned or does not recover compensation exceeding the amount, if any, offered to him before action or judgment is given in favour of the Registrar, the claimant shall be liable to pay the full costs of the Registrar in the action, but save as aforesaid the Court may make such order as to costs as it thinks fit.

(4) If in any such action judgment is given in favour of the claimant, a certified copy of the judgment together with a certificate of the amount payable in respect of costs shall be transmitted by the Registrar of the Court to the Accountant General who shall forthwith pay the same out of the Fund.

Right of Registrar to enforce judgement.

136. On payment and satisfaction out of the Fund of any judgment in an action brought under the last preceding section, the Registrar shall be subrogated to the rights of the claimant and shall be entitled to enforce such judgment against any co-defendant against whom judgment has been given.

Right of Registrar to recover compensation payable or paid.

137. Where compensation is payable or has been paid out of the Fund, the Registrar shall be entitled to recover by or in an action or otherwise the amount so payable or so paid from any person who has caused or substantially contributed to the loss, damage or deprivation by his fraud, neglect or wilful default or from his estate.

Costs against the Fund.

138. Any costs incurred by or awarded against the Registrar in any legal proceedings under this Act shall be paid out of the Fund.

**PART XVIII
GENERAL PROVISIONS**

Inspection of register.

139. Any person may on application to the Registrar inspect the register during the hours of business.

Certified copied.

140. The Registrar shall furnish to any person applying for the same a certified copy of the register of any parcel or of any caveat, prohibition or registered instrument affecting registered land.

Official search.

141. (1) Any person may apply to the Registrar to

make an official search of the register and to issue a certificate of the result, and the Registrar shall thereupon make the search and issue a certificate accordingly.

(2) Every search certificate shall show the state of the register at the time of the issue of the certificate together with a note of every caveat, prohibition, judgment, writ, application, instrument presented for registration or other matter affecting the power of the registered proprietor to deal with the land.

(3) Every search certificate shall be signed by the Registrar and sealed with the seal of the land registry and shall record the day, hour and minute at which the application for it was made and at which the seal was affixed.

Stay of
registration.

142. (1) Where any person proposing to deal with registered land has, with the consent in writing of the proprietor, applied for an official search and has stated in his application the particulars of the proposed dealing, the Registrar shall make an order staying registration of any instrument affecting the land to be comprised in the proposed dealing for fourteen days from the time at which application for the certificate was made, and shall enter a memorial thereof and endorse a copy on the search certificate.

(2) If within the said period of fourteen days a properly executed instrument effecting the proposed dealing be presented for registration, such instrument shall have priority over any other instrument which may be presented for registration after the time of application for the search certificate, and the same shall be registered notwithstanding any caveat, prohibition, judgment, writ, or application which may have been presented for registration or lodged with the Registrar during the said period.

(3) Subject to the presentation of such properly executed instrument within such period, any other

instrument and any caveat or application received in the land registry during such period, shall be dealt with in the same manner, shall have the same priority and shall be as effectual as if no stay of registration had been obtained.

Powers of the
Registration.

143. (1) The Registrar or in his absence the Deputy Registrar in addition to the powers hereinbefore vested in him may –

- (a) by notice in writing require the proprietor or other person making or concurring in any application under this Act to produce any document or instrument in his possession or control relating to the land the subject of the application and if necessary to attend and give any information or explanation concerning any such document or instrument;
- (b) by notice in writing require any person having in his possession or control any certificate or other instrument upon which any endorsement is required to be made for the purposes of this Act to produce that instrument within a reasonable time to be fixed by the notice and to deposit the instrument in the land registry for such time as may be necessary for the making of that endorsement;
- (c) require proof by statutory declaration of any material fact which he considers necessary to be established in connection with any matter or thing sought to be done.

(2) If any person wilfully without just cause or excuse neglects or refuses to attend in pursuance of such notice as aforesaid or to produce or deposit such document, instrument or certificate as he may have been required by such notice to produce or deposit, he shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars.

Registrar may
state case.

144. The Registrar or in his absence the Deputy Registrar may by special case submit for the decision of a judge any question arising under this Act which appears to him to require such a decision, and the judge shall give his decision thereon.

Appeal against
decision of
Registrar.

145. (1) If upon the application of any person the Registrar refuses to register or issue any instrument or document or to do or perform any act or duty which by this Act is required to be registered, issued, done or performed by the Registrar, such person may require the Registrar to state in writing the reasons for his decision, and the Registrar shall thereupon state his reasons accordingly and shall serve a copy thereof upon the applicant and thereafter the applicant may appeal by summons to a judge against the decision of the Registrar.

(2) Any such summons shall state the grounds of appeal and shall be served on the Registrar within fourteen days of the service on the applicant of the reasons for the decision of the Registrar and shall not be returnable less than six days after service.

(3) The judge shall, after receiving any evidence that may be tendered, make such order in the matter as the circumstances of the case require, including an order as to costs.

Appeal against
decision of

146. (1) If any person is aggrieved by any decision

Commissioner. of the Commissioner and no right of appeal is specifically conferred by this Act, such person may appeal to the Full Court of the High Court within twenty-one days from the date of the decision or if the decision is required to be published in the *Gazette* from the date of publication.

(2) All appeals from a decision of the Commissioner to the Full Court shall be brought in the same manner as if such decision were an interlocutory order of the Court.

(3) The Full Court shall, on the application of any party who has been deprived of any land and who has only a right of appeal on a question of law and may, on the application of any other party, state a case for the consideration of the Court of Appeal.

Court
proceeding
affecting lands.

147. In any proceedings in the Court to establish title to any land or to recover possession of any land, the plaintiff or applicant shall produce to the Court a certificate from the Registrar stating whether or not the land is registered and if so in whose name and with what title.

PART XIX MISCELLANEOUS PROVISIONS

Addresses.

148. Every person who under this Act –

- (a) applies for the first registration of any land or joins in such application; or
- (b) submits or joins in the submission of any counter- application, objection or caveat; or
- (c) submits any instrument for registration; or

- (d) appears on the register as the proprietor of any land,

shall furnish to the Registrar in writing a postal address for service within Guyana and shall notify the Registrar in writing of any change in the said address.

Service of notices.

149. A notice under this Act may be properly served on any person by serving it on him personally, or by leaving it for him or sending it by registered post addressed to him at the address for service furnished by him to the Registrar as provided in the last preceding section.

Instruments deposited in Deeds Registry.

150. If under this Act, any instrument or a certified copy of any instrument is required or permitted to be deposited with the Registrar for any purpose and if such instrument or a certified copy thereof is already deposited in the Deeds Registry, the Registrar may, if he thinks fit, make in the records of the land registry a reference to the instrument or copy deposited in the Deeds Registry and such instrument or copy shall be deemed to have been deposited in the land registry.

Special powers of attorney. c. 5:01

151. The provisions of the Deeds Registry Act in relation to special powers of attorney shall apply to all dealings in registered land with such adaptations as may be necessary.

Execution of instruments.

152. (1) Every instrument shall be executed in the presence of two witnesses and attested under their hands.

(2) The execution of every instrument shall be verified by the endorsement thereon of a certificate under the hand and seal of one of the officers hereinafter mentioned to the effect either –

- (a) that the person executing the

instrument executed the same in his presence and in such case the said officer may himself be one of the witnesses; or

- (b) that the person executing the instrument appeared before him and by oath or statutory declaration acknowledged that the signature to the instrument was his and that he had freely and voluntarily signed the same in the presence of the witnesses; or
- (c) that one of the attesting witnesses appeared before him and by oath or statutory declaration declared that the person executing the instrument was personally known to him and that such person had freely and voluntarily signed the instrument in the presence of him and of the other attesting witness and that he and such witness had thereupon themselves signed the instrument as witnesses.

(3) The officers mentioned in the last preceding subsection shall be, where the instrument is attested or its execution is verified in any place –

- (a) within Guyana –
 - (i) the Registrar, Deputy Registrar or any assistant registrar; or
 - (ii) a District Commissioner, magistrate, justice of the peace, notary public or commissioner for oaths;

- (b) without Guyana but within the Commonwealth –
 - (i) the mayor or other chief officer of any city or corporate town within the United Kingdom; or
 - (ii) the President, Governor-General or other officer administering the government or any judge of any court of record in any territory within the Commonwealth; or
 - (iii) a notary public;
- (c) without the Commonwealth –
 - (i) any ambassador, minister or consular officer appointed by the President at that place; or
 - (ii) a notary public provided that the fact that he is a notary public in that place is authenticated by an instrument under the hand and seal of an ambassador, minister or consular officer as aforesaid.

Protection of
Registration
against actions.

153. Except as otherwise provided in this Act, neither the Registrar nor any person acting under his authority shall be liable to any action, suit or proceeding for or in respect of any matter *bona fide* done or omitted to be done in the exercise or purported exercise of the powers conferred by this Act.

Exoneration of
the Registrar.

154. Where by this or any other Act or instrument any person is not concerned to inquire as to any matter or fact relating to a title to or to a power of dealing with any registered land or is protected from the effect of notice of any

such matter or fact, then in registering any instrument relating to that land the Registrar shall not be concerned to make any inquiry or search in relation thereto which such person need not have made nor shall the Registrar be affected by any notice with which such person need not have been affected.

Offences.

155. (1) Every person who –

- (a) wilfully makes any false statement or declaration in any application under this Act;
- (b) wilfully suppresses, withholds or conceals or assists or joins in or is privy to suppressing, withholding or concealing from the Registrar any material documents, fact or matter of information;
- (c) wilfully makes any false declaration or statement for the purposes of or in relation to any dealing with land under this Act;
- (d) fraudulently procures, assists in fraudulently procuring or is privy to the fraudulent procurement of any certificate of title or instrument or of any entry, erasure or alteration in the register; or
- (e) knowingly misleads or deceives any person authorised ,

shall be guilty of a misdemeanour.

(2) A person guilty of a misdemeanour under this

Act shall –

- (a) on conviction on indictment, be liable to a fine of two hundred and sixty thousand dollars or to imprisonment for two years;
- (b) on summary conviction, be liable to a fine of forty-eight thousand seven hundred and fifty dollars or to imprisonment for three months.

Unqualified
practitioners.

156. Every person who not being an attorney-at-law or notary public either directly or indirectly for or in expectation of any fee, gain or reward draws or prepares any instrument of transfer, mortgage, charge or lease or makes any application or lodges any instrument for registration shall on summary conviction be liable to a fine of twenty- six thousand dollars:

Provided that this section shall not extend to –

- (a) any public officer drawing or preparing instruments and applications in the course of his duty; or
- (b) any public officer drawing or preparing instruments and applications in the course of his duty; or.

Other
remedies.

157. (1) No proceeding or conviction for any act declared by this Act to be a misdemeanour shall affect any remedy to which any person aggrieved by such act may be entitled at law or in equity.

(2) Nothing in this Act shall entitle any person to

refuse to make a complete discovery by answer in any legal proceeding or to answer any question or interrogatory in any civil proceeding in any court of law, but no answer to any such question or interrogatory shall be admissible in evidence against such person in any criminal proceeding under this Act.

Fiat of Director of Public Prosecutions.

158. No prosecution under this Act shall be brought without the fiat of the Director of Public Prosecutions.

PART XX RULES, FORMS, FEES, ETC

Power of Minister to make rules.

159. Subject to affirmative resolution of the National Assembly, the Minister may from time to time make rules for regulating practice and procedure under this Act and in respect of such matters other than practice and procedure as he may think expedient for carrying out the purposes and objects of this Act and for prescribing such matters as are by this Act required to be prescribed.

Forms.

160. (1) The forms set out in the First Schedule and the forms for the time being in force under this Act with such additions or variations as the circumstances may require or as the Registrar may permit shall be used in all matters to which such forms relate.

(2) The Minister may from time to time add to or amend the forms set out in the First Schedule.

(3) A new form or a form when amended shall be published in the *Gazette* and thenceforth shall have the same force as if it were included in the First Schedule.

Fees.

161. (1) Subject to any order made under subsection (2), there shall be paid to the Registrar the fees set out in the Second Schedule in respect of the matters specified therein. In

c. 5:01 case of first registration by transport, such fees shall be payable in lieu of any fees payable under the Deeds Registry Act.

(2) The Minister may by order amend or add to the fees set out in the Second Schedule.

(3) For the purpose of determining any fees payable under this Act, the Registrar may if he thinks fit accept the amount of the consideration as the value of any land, but he may in any case require a certificate of valuation made by a sworn valuer under this Act.

Declaration as to consideration.

162. (1) The full and true consideration payable in respect of any dealing shall be stated in the instrument and shall except in the case of a mortgage, charge or lease be verified by the statutory declaration of the parties or of their attorneys.

(2) If in any case the consideration is untruly or fraudulently stated, the parties shall in addition to any other penalty each forfeit and pay the sum of sixteen thousand two hundred and fifty dollars and shall also be chargeable with and be liable for the payment of five times the amount of the excess duty which would have been paid if the consideration had been truly stated.

(3) All such sums may be sued for and recovered in the Court in the name of the Registrar.

Remuneration of legal practitioners.

163. (1) The remuneration payable to legal practitioners for services rendered in respect of dealings in registered land shall be regulated by order made by the Chief Justice and at least one judge.

(2) Until such an order is made the remuneration allowed to legal practitioners under the Legal Practitioners and Registry Fees Order shall apply *mutatis mutandis*.

Accounts.

164. (1) The Registrar shall keep a correct account of all sums of money received by him under this Act and shall pay the same to the Accountant General at such times and shall render accounts of the same to such persons and in such manner as may be directed by any Act or regulations for the time being in force relating to the collection and payment of public moneys and the audit of public accounts.

(2) All penalties and fees received under this Act (except sums received as contributions to the Assurance Fund) shall be paid into the Consolidated Fund.

s. 160

FIRST SCHEDULE

FORMS OF DOCUMENTS

FORM A(1)

CERTIFICATE OF TITLE TO LAND (Section 71)

Block: Parcel:

Description and location of land:

THIS IS TO CERTIFY that A.B. of (*address*) is now the registered proprietor under the Land Registry Act of all that parcel of land registered as (*parcel-number*) and comprising (*area*), subject to the interests endorsed hereon or in the register and to such interests as may under the said Act subsist without registration.

IN WITNESS WHEREOF I have hereto subscribed my name and affixed the seal of the Land Registry this (*date*).

(Seal)

Registrar of Lands

FORM A (2)**CERTIFICATE OF PROVISIONAL TITLE TO LAND**
(Section 71)

Block: Parcel:
Description and location of land

THIS IS TO CERTIFY that A.B. of (*address*) is now the registered proprietor under the Land Registry Act of all that parcel of land registered as (*parcel-number*) and comprising (*area*), subject to the qualification stated hereunder and to the interests endorsed hereon or in the register and to such interests as may under the said Act subsist without registration.

This title is held subject to (*state qualification as recorded in declaration of title*).

IN WITNESS WHEREOF I have hereto subscribed my name and affixed the seal of the Land Registry this (*date*).

(*Seal*) Registrar of Lands

FORM B**TRANSFER (Section 76)**

Block: Parcel:
Description and location of land:

I, A.B., of (*address*), being the registered proprietor under the Land Registry Act of (the above parcel), in consideration of the sum of (*dollars*) paid to me by C.D. of (*address*),

receipt of which I hereby acknowledge, do hereby transfer to the said C.D. (all my interest in the said parcel).

(Here state any special terms or conditions.)

And I, C.D., do hereby accept this transfer (subject to the above terms and conditions).

As witness our hands, etc. *(See notes below.)*

FORM C

CHARGE (Section 80)

Block: Parcel:
Description and location of land:

I, A.B., of *(address)*, being the registered proprietor under the Land Registry Act of *(the above parcel)*, do hereby charge (all my interest in the said parcel) with the payment of the sum of *(dollars) per annum* payable on *(dates of payment)* in each year to C.D. of *(address)*.

(Here state the event or circumstance on which sums shall become and cease to be payable and any special terms or conditions.)

As witness my hand, etc.

(See notes below.)

FORM D

NOTICE OF DEPOSIT OF CERTIFICATE OF TITLE
(Section 87)

To the Registrar of Lands:

I, A.B., of (*address*) hereby give notice that the certificate of title of parcel (*number*) has been deposited with me with the intention of creating a lien thereover to secure the sum of (*dollars*).

FORM E

LEASE (Section 89)

Block: Parcel:
Description and location of land:

I, A.B., of (*address*) being the registered proprietor under the Land Registry Act of (the above parcel), do hereby lease to C.D. of (*address*) (all my interest in the said parcel) for a period of (*years*) from (*date*) at a yearly rent of (*dollars*) payable on (*date or dates*) in each year.

(Here state any special terms or conditions and any modification of the terms and conditions implied by the Act.)

And I, C.D., do hereby accept this lease (subject to the above terms and conditions).

As witness our hands, etc. (*See notes below.*)

FORM F

CAVEAT (*Section 125*)

Block: Parcel:
 To the Registrar of Lands:

Take notice that I, A.B., of (*address*) claim an interest in the above parcel (now standing in the register in the name of E.F.) and I forbid the registration of any instrument of transfer or other instrument affecting the said interest until after notice of the intended registration has been given to me (or unless such dealing is expressed to be subject to my claim).

Nature of the interest claimed and grounds upon which such claim is founded:

(*State nature and grounds.*)

My address for service is (*address*).

(Signature of caveator, solicitor, or attorney.)

I, the above named A.B., (or C.D. solicitor or attorney for the said A.B.) do solemnly and sincerely declare that the statements in the above caveat are true in substance and in fact (as I have been informed by the above named A.B. and verily believe).

I make this declaration etc.

NOTES TO FORMS B, C, D, AND F

(1) If the person executing the instrument is not himself the proprietor of the land but of an interest therein,

he should be described as proprietor of the interest and a reference to the instrument creating the same should be included.

(2) Where the interest affected by the instrument is less than the interest of the person executing it, the words all my interest in the said parcel should be modified accordingly.

SECOND SCHEDULE

FEES	\$ c.
1. On the first registration	
	60.00
for the first \$500 or part thereof	
for every \$500 or part thereof—	30.00
in excess of \$500 up to 2,500.....	12.00
in excess of \$2,500 up to \$5,000	6.00
in excess of \$5,000	
Provided that –	
(a) on first registration in the name of the State or any statutory body, no fee shall be payable;	
(b) on first registration with an absolute title under section 68, or by any person passing a transport to himself under section 43, or following an order or judgment of the Court under section 44, or following a sale in execution under section 45, there shall be payable one half of the prescribed fee;	

<p>(c) where a fee on first registration has been prescribed in the order designating any registration area, such fee shall be payable in lieu of the prescribed fee;</p> <p>(d) on first registration pursuant to the District Lands Partition and Re-allotment Act the fee prescribed in that Act shall be payable in lieu of the prescribed fee.</p> <p>2. By way of contribution to the Assurance Fund –</p> <p>(a) on first registration of land under this Act –</p> <p style="padding-left: 40px;">one-fifth of one per cent of the value of the land together with such additional contribution as the Commissioner may under section 41 direct:</p> <p>Provided that in the case referred to in provisos (a), (b) and (d) of item 1 of this Schedule, no fee by way of contribution to the Assurance Fund shall be payable:</p> <p>(b) on registration of any transfer for value of land held under an absolute title –</p> <p style="padding-left: 40px;">one-tenth of one per cent of the value of land or consideration;</p> <p>(c) on registration of a transfer for value, or any mortgage, charge,</p>	
---	--

<p>lease, or transmission of any land held under a provisional title –</p> <p>one fifth of one per cent of the value of the land:</p> <p>Provided that where a contribution has been paid upon transmission to any person in a fiduciary capacity, no contribution shall be payable upon a transfer by the fiduciary to any person beneficially entitled.</p> <p>3. On presentation for registration of –</p> <p>(a) a transfer of land on sale— one-quarter of one per cent of the value of the land or the sum of one hundred dollars whichever is the greater:</p> <p>Provided that where such transfer is registered pursuant to any agreement protected by a registered caveat, the above fee shall be reduced by the amount of the fee paid in respect of the caveat.</p> <p>(b) other transfer or a transmission.....</p> <p>(c) a mortgage or charge— one-tenth of one per cent of the amount secured or the value of the charge as the case may be, or one hundred dollars whichever is the greater:</p> <p>Provided that where such mortgage or charge is registered pursuant to an</p>	
---	--

<p>agreement protected by a registered caveat or by the registered deposit of a certificate of title, the above fee shall be reduced by the amount of the fee paid in respect of the caveat or notice of deposit.</p> <p>(d) a lease – where the lease is not required to be registered... where the term of the lease does not exceed twenty years..... in any other case.....</p> <p>(e) a judgement.....</p> <p>(f) a writ of execution – a writ of execution – if issued in pursuance of a registered judgment... in any other case</p> <p>(g) a caveat – if entered to protect an agreement for sale or an agreement to mortgage or charge any land – one half of the fee payable on the transaction protected; in any other case.....</p> <p>(h) a notice of deposit of a certificate of title – one half of the fee payable on a</p>	
---	--

<p>mortgage equal in value to the sum secured.</p> <p>(i) an easement or restrictive covenant –</p> <p style="padding-left: 40px;">if entered in the register of one dominant and one servient parcel for every further parcel</p> <p>(j) any other instrument or document capable of registration for which no fee is provided.....</p> <p>4. Upon the discharge of a mortgage or charge, the surrender or determination of a lease, the withdrawal of a caveat or notice of deposit or the removal from the register at the request of the person presenting the same of the memorial of any judgment, writ or other matter.....</p> <p>5. Upon registration of a declaration of title by adverse possession –</p> <p style="padding-left: 40px;">as upon first registration.</p> <p>6. Upon presentation of any application, counter application, objection, notice or request for which no fee is provided, and for the withdrawal of the same ...</p> <p>7. Upon the issue of –</p> <p style="padding-left: 40px;">(a) a certificate of title –</p>	
--	--

<p>where the value of the land does not exceed \$5,000..... in every other case</p> <p>(b) a search certificate –</p> <p>where a stay of registration is made..... in every other case.....</p> <p>(c) a certificate as required by section 147</p> <p>8. (a) For every rectification of the register.....</p> <p>Provided that no fee shall be payable where the rectification is necessitated by any error or omission of the Registrar.</p> <p>(b) on an inspection of the register, for each parcel....</p> <p>(c) for copies of documents (exclusive of plans)– certified, per folio of 100 words</p> <p>uncertified, per folio of 100 words.....</p> <p>(d) on any other inspection or search in the land registry</p> <p>9. On appointment as sworn valuer</p>	
--	--

SUBSIDIARY LEGISLATION

LAND REGISTRY ACT (COMMENCEMENT OF SECTION 43) ORDER*made under section 1(2)*

Citation .

1. This Order may be cited as the Land Registry Act (Commencement of section 43) Order.

Application.
Schedule.

2. Section 43 of the Land Registry Act shall come into force at the commencement of this Order in the areas described in the Schedule.

SCHEDULE

1. The area known as Block "A" comprising 130 (one hundred and thirty) acres being a part of a parcel of land comprising fields numbers 15 (fifteen) to 31 (thirty-one) inclusive, having an area of 180.084 (one hundred and eighty decimal nought eight four) acres shown and defined on a plan of Plantation Ruimveldt (South), East Bank Demerara River, by Edward G. Thompson, Sworn Land Surveyor, dated 9th September, 1965, and deposited in the Deeds Registry at Georgetown on the 14th day of December, 1965; the said Block "A" is shown and defined on a plan by C.S. Spence, Sworn Land Surveyor, dated 14th June, 1967, and deposited in the Deeds Registry at Georgetown on the 24th day of August, 1967.

2. A portion of land of 46.02 acres at Vryman's Erven, New Amsterdam, Berbice, being a part of Grant No. 2228 and shown on a plan by R. N. Mangar dated 31st July, 1967, and deposited in the Lands Department, Georgetown, as No. 12567, commencing from a concrete paal marked J.T.S. at the junction with Savannah Road and Vryheid Street and its boundaries extending thence N 170° 41' 38" (true) 34.38 feet, thence N 200° 18' 23" (true) 152.50 feet, thence N108° 28' 00" (true) 1486.17 feet, thence N 17° 53' 27" (true) 1203.50 feet, thence N 302° 00' 27" (true) 1482.43 feet to the point of commencement.

LAND REGISTRY (REGISTRATION AREAS) ORDER

made under section 17(1)

Citation.

1. This Order may be cited as the Land Registry (Registration Areas) Order.

Designation of areas.

2. The areas set out in the Schedule are hereby designated as registration areas.

SCHEDULE

REGISTRATION AREAS

BERBICE

O.61/1971

The several tracts of land held under Grants Nos. 1804,1806,1805, 1803,1780,1802,2767, 2229,1651, 1778 and 1779 and Leases A2110, A288; A991, A3769 and Provisional Leases

[Subsidiary]

Land Registry (Registration Areas) Order

560/57 and 774/59 situate at the place called Crabwood Creek on the left bank of the Corentyne River and bounded as follows:

On the North:	by the upper boundary of Grant No. 847
On the South:	by the lower boundary of Grant No. 4043
On the East:	by the Corentyne River
On the West:	by State Lands being the Government Reserves in rear of the tracts listed above.

O.45/1972 The area of land in the backlands of Lot No. 64 on the Corentyne Coast in the county of Berbice and bounded as follows:

On the North:	by the common boundary with Lot No. 63
On the South:	by the common boundary with Lot No. 65
On the East:	by the common boundaries with house lots Nos. 240 to 287
On the West:	by the common boundaries with reef lots Nos. 1 and 61

O.37/1970 Plantation Lot No. 61, situate on the left bank of the Corentyne River, in the county of Berbice and bounded as follows:

On the North:	by Lot No. 60
On the South:	by Lot No. 62
On the East:	by the Atlantic Ocean
On the West:	by State Lands

O. 67/1972 Lot No. 50 situate on the Corentyne Coast in the county of Berbice and bounded as follows:

LAWS OF GUYANA

104 **Cap. 5:02**

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

On the North: by the southern boundary of the
 between Lots No. 49 and No. 50
On the South: by the common boundary with
 Lot No. 51
On the East: by the Atlantic Ocean
On the West: by State Lands

O. 66/1972 Lot No. 49 situate on the Corentyne Coast in the county of
Berbice and bounded as follows:

On the North: by the southern boundary of the
 Ketting between Lots No. 48
 and No. 49
On the South: by the Northern boundary of
 Lot No. 50
On the East: by the Atlantic Ocean
On the West: by State Lands

O. 38/1970 Plantation No. 48 or Rising Sun situate on the Corentyne
Coast in the county of Berbice and bounded as follows:

On the North: by the Atlantic Ocean
On the South: by State Lands
On the East: by the western boundary of No.
 49 or Mary's Hope
On the West: by the Eastern boundary of No.
 47

O. 65/1972 Lot No. 46 situate on the Corentyne Coast in the county of
Berbice and bounded as follows:

On the North: by the common boundary with
 Lot No. 45 and State Lands
On the South: by the Northern boundary of
 the Ketting between Lots No. 46
 and No. 47

[Subsidiary]

Land Registry (Registration Areas) Order

On the East: by the Atlantic Ocean

On the West: by State Lands

O. 64/1972 Lot No. 45 situate on the Corentyne Coast in the county of Berbice and bounded as follows:

On the North: by the southern boundary of the Ketting between Lots No. 44 and No. 45

On the South: by the common boundary with Lot No. 46

On the East: by the Atlantic Ocean

On the West: by State Lands

O.63/1972 Lot No. 44 situate on the Corentyne Coast in the county of Berbice and bounded as follows:

On the North: by the southern boundary of the Ketting between Lots No. 43 and No. 44

On the South: by the northern boundary of Lot No. 45

On the East: by the Atlantic Ocean

On the West: by State Lands

O.62/1963 That area of land being the first depth of Plantation Bush Lot also called Lot 27 situate on the Corentyne Coast in the County of Berbice and bounded as follows:

On the North: by the Atlantic Ocean

On the South: by the second depth of Plantation Bush Lot or No. 27 held under Licence of Occupancy No. A2610

On the East: by the Government Ketting

On the West: by the Government Ketting

LAWS OF GUYANA

106 Cap. 5:02

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

and containing an area of 530.10 English Acres (500 Rhymland Acres) as shown on a plan by J. A. P. Bowhill (Sworn Land Surveyor) dated 16th February, 1918, and recorded in the Lands Department as plan No. 2600.

O.37/1968

Lots Nos. 0, 1 and 2 (commonly known as Courtland) situate on the Corentyne Coast of the County of Berbice and bounded as follows:

On the North: by the Atlantic Ocean
On the South: by the Grand Canal
On the East: by Fyrish or Lot No. 3,
Corentyne Coast, Berbice
On the West: by Gibraltar or Lot No. 39

O.36/1968

Gibraltar or Lot 39, situate on the Corentyne Coast of the County of Berbice and bounded as follows:

On the North: by the Atlantic Ocean
On the South: by the Grand Canal
On the East: by Lots Nos. 0, 1 and 2
(commonly known as Courtland), Corentyne Coast, Berbice
On the West: by Borlam or Lot No. 37

O.56/1964

The eastern half of an area of land known as Plantation Susannah situate on the East Coast of Berbice and bounded as follows:

On the North: by the Atlantic Ocean
On the South: by the northern edge of the Grand canal reserve
On the East: by the common boundary along the side line dam between the eastern half of Plantation Susannah and the western half

[Subsidiary]

Land Registry (Registration Areas) Order

of Plantation Susannah.

O. 8/1970 Plantation Sandvoort situate on the left bank Canje River in the County of Berbice and bounded as follows:

On the North: by the Canje River
 On the South: by State Lands
 On the East: by Plantation Rising Sun
 On the West: by Plantation Lochaber and State Lands

O. 5/1972 Mount Sinai situate in the county of Berbice and bounded as follows:

On the North: by Plantation Smythfield
 On the South: by Plantation Overwinning
 On the East: by Plantation Caracas
 On the West: by lands held by the Mayor and Town Council of New Amsterdam under Grants Nos. 2596 and 2228.

O. 9/1970 Plantation Glasgow situate on the right bank Berbice River in the County of Berbice and bounded as follows:

On the North: by Plantation Providence
 On the South: by State Lands
 On the East: by Plantation Providence and State Lands
 On the West: by the Berbice River and Plantation Edinburgh

O. 18/1972 The area of land situate on the right bank of the Berbice River, comprising the following Plantations: Edinburgh, Everton, Belle Vue, Rotterdam, Lonsdale, Brothers, Sisters, Friends and Enfield, the said area being bounded as follows:

LAWS OF GUYANA

108 **Cap. 5:02**

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

On the North: by the Berbice River
On the South: by State Lands
On the East: by the western boundaries of
 Plantations

O.7/1970 Providence and Glasgow and the prolongation thereof to the extremity of Plantation Edinburgh

On the West: by the Ketting between
 Plantations Enfield and
 Kortberraad

O.5/1970 Plantation Germania situate on the right bank Berbice River in the County of Berbice and bounded as follows:

On the North: by Plantation Augsburg
On the South: by Plantation Mara
On the East: by State Lands
On the West: by the Berbice River

O. 111/1973 The area of land known as Lighttown and Macaw, the said area of land being situated on the right bank Berbice River in the County of Berbice and bounded as follows:

On the North: by the Berbice River
On the South: by the southern boundary of the
 Reserve for the Macaw Canal
On the East: by Plantation Highbury and
 State Lands and Plantation Plegt
 Anker
On the West: by the Berbice River

O.39/1970
81/1973 Plegt Anker on the East Bank of the Berbice River, in the County of Berbice and bounded as follows:

On the North: by State Lands
On the South: by the Berbice River

[Subsidiary]

Land Registry (Registration Areas) Order

On the East: by State Lands and part of the Western Boundary of Plantation Zorg-en-Vlyt

On the West: by the common boundaries with Grant No. 1280, Christina's Lust California, and State Lands

O.6/1967 Plantation Ithaca and South Zorg-en-Hoop situate on the west bank of the Berbice River, in the county of Berbice and bounded as follows:

On the North: by the southern boundary of the northern half of Pin. Zorg-en-Hoop

On the South: by the northern boundary of Pin.

On the East: by the Berbice River

On the West: by State Lands

O. 22/1967 Plantation Fern situate on the left bank Berbice River in the County of Berbice and bounded as follows:

On the North: by Plantation Dankbarheid

On the South: by Plantation Rossfield

On the East: by the Berbice River

On the West: by State Lands

O. 23/1967 Lot No.4 or Plantation Edderton situate on the West Coast of the County of Berbice and bounded as follows:

On the North: by the boundary between Lot No. 4 or Edderton and Lot No. 5 or Zee Lust

On the South: by the boundary between Lot No. 3 or Mon Choisi and Lot No. 4 or Edderton

On the East: by the Atlantic Ocean

LAWS OF GUYANA

110 **Cap. 5:02**

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

On the West: at a point where the southern boundary of Lot No. 5 or Zee Lust and the northern boundary of No.3 or Mon Choisi meet

O.19/1972 Lot No. 5 or Plantation Zee Lust situate on the West Coast of the County of Berbice and bounded as follows:

On the North: by the boundary between Lot No. 5 or Zee Lust and Lot No. 6 or Bel Air

On the South: by the boundary between Lot No. 4 or Edderton and Lot No.5 or Zee Lust

On the East: by the Atlantic Ocean

On the West: by State Lands

O.18/1961 Willemstad or No. 7 situate on the west bank of the Berbice River and bounded as follows:

On the North: by the common boundary with Inverness

On the South: by the common boundary with Bel Air or No. 6

On the East: by the Berbice River

On the West: by State Lands

O.46/1972 Lot No. 8 also known as Plantation Inverness situate on the West Coast of the County of Berbice, as described in a diagram dated 25th February, 1846, by William Downer, Sworn Land Surveyor, and bounded as follows:

On the North: by the common boundary between Lot No. 9 also known as Plantation Expectation and Lot No. 8 also known as Plantation Inverness

[Subsidiary]

Land Registry (Registration Areas) Order

On the South: by the common boundary between Lot No. 8 also known as Plantation Inverness and Lot No. 7 also known as Plantation Willemstad

On the East: by the Atlantic Ocean

On the West: by State Lands

0.84/1960 Plantation D'Edward situate on the west bank of the Berbice River and bounded as follows:

On the North: by the Ketting between Cotton Tree and D'Edward

On the South: by Plantation Rosignol

On the East: by the Berbice River

On the West: by State Lands

O.17/1961 Lot No. 9 or Plantation Expectation situate on the West Coast of the County of Berbice, as described in a diagram dated 25th February, 1846, by William Downer, Sworn Land Surveyor, and bounded as follows:

On the North: by the common boundary between Lot No. 10 or Friends Retreat and Lot No. 9

On the South: by the common boundary between Lot No. 8 and Lot No. 9

On the East: by the Atlantic Ocean

On the West: by State Lands

O.85/1960 Lot No. 10 also known as Plantation Woodlands and Plantation Friends Retreat, situate on the West Coast of the County of Berbice and bounded as follows:

On the North: by the common boundary between Lot No. 11 also known as Plantation Woodley Park and

LAWS OF GUYANA

112 **Cap. 5:02**

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

On the South: Plantation Woodlands being the northern portion of Lot No. 10 by the common boundary between Plantation Friends Retreat being the southern portion of Lot No. 10 and Lot No. 9 also known as Plantation Expectation

On the East: by the Atlantic Ocean

On the West: by State Lands

O.19/1961 The Leeward half of the Plantation formerly called Two Friends or the Windward half of the centre one-third part of Plantation Lots numbers Eleven and Twelve, situate on the West Sea Coast of the County of Berbice; comprising an area of approximately 134 acres and bounded as follows:

On the North: by the common boundary between the Windward Third of Lots Nos. 11 and 12 also known as and called Waterloo and the Windward Half of Centre Third of Lots Nos. 11 and 12

On the South: by the common boundary between Lot No. 11 and Lot No. 12

On the East: by the Atlantic Ocean

On the West: by the common boundary between the Windward Half of the Centre Third of Lots Nos. 11 and 12 and Lot No. 14 as shown on a plan by Frank Fowler, Sworn Land Surveyor, dated the 19th July, 1900, and recorded in the Lands Department as Plan No. 1221.

[Subsidiary]

Land Registry (Registration Areas) Order

O.90/1960

Plantation Trafalgar situate on the West Coast of the County of Berbice and bounded as follows:

- On the North: by the common boundary between Plantation Trafalgar and Plantation Union
- On the South: by the common boundary between Plantation Trafalgar and Lot No. 27 also known as Plantation Onverwagt.
- On the East: by the Atlantic Ocean
- On the West: by State Lands

Commencing at the point where the common boundary between Plantations Union and Trafalgar meets the shore line of the Atlantic Ocean, and extending thence in a south westerly direction along the said common boundary of Plantation Union and Trafalgar to the back boundary of Plantation Union, thence in a north-westerly direction along the back boundaries of Plantations Union, Tempe, Britannia, Chester, Yeovil and Ross thence in a north-easterly direction along the common boundary between plantations Ross and Brahn to the shore line of the Atlantic Ocean, and thence in a south easterly direction along the shore line of the Atlantic Ocean to the point of commencement.

O.4/1970

Plantation Kingelly, situate on the West Coast of the County of Berbice and bounded as follows:

- On the North: by the Atlantic Ocean
- On the South: by State Lands
- On the East: by Plantation Brahn
- On the West: by Plantation Phoenix

LAWS OF GUYANA

114 **Cap. 5:02**

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

DEMERARA

O.24/1964 An area of land known as Plantation Calcutta, situate on the East Coast of Demerara and bounded as follows:

- On the North: by State Land bordering the Atlantic Ocean
- On the South: by State Land held under Lease No. A 3084
- On the East: by Plantation Catherine
- On the West: by Plantation Recess

O.10/1970 The area of land extending from Cambridge to Helena No. 1 (inclusive), the said area being situated on the left bank of the Mahaica River and bounded as follows:

- On the North: by the northern boundary of Cambridge
- On the South: by the southern boundary of Helena No 1
- On the East: by the Mahaica River
- On the West: by the Shanks Canal

O.41/1962 Plantation Bachelor's Adventure situate on the East Sea Coast of the County of Demerara and bounded as follows:

- On the North: by the Atlantic Ocean
- On the South: by State Lands held under Licence No. 2758
- On the East: by Plantation Paradise
- On the West: by the Company Path between Plantations Bachelor's Adventure and Elizabeth Hall

O.70/1962 Plantations Buxton and Friendship situate on the East Sea Coast of the County of Demerara and bounded as follows:

[Subsidiary]

Land Registry (Registration Areas) Order

- On the North: by the Atlantic Ocean
- On the South: by lands held under Grant No. 4592 by the Village Council of Buxton and Friendship
- On the East: by the common boundary between Plantations Friendship and Vigilance and State Lands held under Licence No. 99 by the proprietors of Vigilance
- On the West: by the common boundary between Plantations Buxton and La Reconnaissance and State Lands held under Licence No. 2754 by the proprietors of Lusignan *cum annexis*

O.71/1967

That area of land being a portion of the front lands of Section "A" Plantation Beterverwagting, situate to the north of the East Coast Public Road, and west of the road between Beterverwagting and Triumph, on the East Coast of Demerara, in the County of Demerara, and bounded as follows:

Commencing at a concrete paal branded M.K.S. at the south-western corner, 68-0 feet from the centre line of the East Coast Public Road, thence on a bearing S 62° 19' 40" E (true) for a distance of 455-3 feet, thence N 15° 27' 50" E (true) for a distance of 450 0 feet; thence N 74° 32' 10" W (true) for the distance of 445 .0 feet, thence S 15° 27' 50" W (true) for a distance of 353-7 feet to the point of commencement; having by measurement an area of 4-1051 acres or 178,823-6 sq. ft as demarcated and shown bordered red on the plan by the Sworn Land Surveyor Mohamed K. Shaheed dated the 13th day of March, 1957, and recorded in the Lands Department on the 2 2nd day of April, 1957, as plan No. 7840, and deposited in the Deeds Registry on the 5th day of June, 1957, without the buildings and erections thereon.

LAWS OF GUYANA

116 Cap. 5:02

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

O.17/1967 An area of land being a portion of Plantation Beterverwagting and bounded as follows:

On the North: by the sea defence reserve
On the South: by the railway reserve
On the East: by Plantation Triumph
On the West: by Plantation La Bonne Intention

save and except that portion of section "A", north of the Public Road, as shown on a plan dated 27th January, 1967, by R. N. Mangar, Sworn Land Surveyor and on record with the Lands Department as plan No. 12298

O.90/1970 Plantation Ruimveldt situate on the east bank of the Demerara River, in the county of Demerara and bounded as follows:

On the North: by Pin. La Penitence
On the South: by the Company Path lying immediately north of Pin. Houston
On the East: by State Lands
On the West: by the Demerara River

O.92/1970 Plantation Eccles situate on the east bank of the Demerara River, in the county of Demerara and bounded as follows:

On the North: by Plantation Rome
On the South: by Plantation Peters Hall
On the East: by Plantation Sage Pond
On the West: by the Demerara River

O. 22/1961 Plantation Arcadia situate on the East Bank, Demerara River and bounded as follows:

On the North: by No. 3 Canal

[Subsidiary]

Land Registry (Registration Areas) Order

On the South: by portions of the north boundaries of Plantation Great Diamond and Grant No. 1644 held by the Demerara Company Ltd.

On the East: by Plantation Mocha

On the West: by the back boundaries of Plantations Herstelling, Providence, Farm, Vreed-en-Rust, Covent Garden, Prospect, Diamond and portion of the eastern boundary of Plantation Great Diamond.

O. 93/1970 Plantation Peters Hall situate on the east bank of the Demerara River, in the county of Demerara and bounded as follows:

On the North: by Plantation Eccles

On the South: by Plantation Providence

On the East: by Plantation Sage Pond

On the West: by the Demerara River

O. 91/1970 Plantation Providence situate on the east bank of the Demerara River, in the county of Demerara and bounded as follows:

On the North: by Plantation Peters Hall

On the South: by Plantation Herstelling

On the East: by Plantation Sage Pond

On the West: by the Demerara River

O. 80/1973 Plantation Friendship on the East Bank of the Demerara River, in the County of Demerara, comprising an area of approximately 2689 acres and bounded as follows:

On the North: by the northern common

LAWS OF GUYANA

118 **Cap. 5:02**

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

boundary with Plantation New Hope
On the South: by the southern boundary of the Company Path between Plantation Friendship and Garden of Eden
On the East: by State Lands
On the West: by the Demerara River

O. 19/1965
47/1972*

First, a portion of land on the right bank of the Demerara River bounded as follows:

On the North: by the southern boundary of Timehri Field
On the South: by the southern boundary of Lot No. 42 or Amelia's Ward
On the East: by State Land
On the West: by the right bank of the Demerara River

and comprising the following Plantations—Lot No. 42 or Amelia's Ward, Lot No. 41 or Fitz Hope, Dalgin or Lot No. 40, Adventure, Lot No. 38, Lot No. 37, Elizabeth, York, Loo Lands, Dora, Loo Lands, Uitspa, Vryheid, Warida, Endeavour, Jalousie, Susannah's Rust, Teddington, Low Wood or Hauraruni, Sans Souci, Elizabeth Ann, Uit, New St. Eustatius, Lana and Alliance

♦See Cap. 5:06.

O. 45/1961

Secondly, a portion of State Land on the right bank of the Demerara River being in rear of Plantation Amelia's Ward and bounded as follows:

On the North: by the prolongation of the northern boundary of Plantation Amelia's Ward to the

[Subsidiary]

Land Registry (Registration Areas) Order

intersection with the Western boundary of the Soesdyke/Ituni Highway Reserve

On the South: by the Kara-Kara Creek

On the East: by the Western boundary of the Soesdyke/ Ituni Highway Reserve

On the West: by the Eastern boundary of Plantation Amelia's Ward.

O. 29/1962 Portions of the south half of Lot No. 42 or Amelia's Ward situate on the right bank of the Demerara River and being two adjoining tracts containing an area of 61 -262 acres and shown marked "A" and "B" on a plan by R. L. Dewar, Senior Government Surveyor, dated 27th August, 1959, and recorded in the Lands Department as plan No. 8985 and bounded as follows:

On the North: by the remaining portion of the south half of

On the South: Lot No. 42 or Amelia's Ward East:

On the West: by the Demerara River

O. 104/1959 An area of land situate on the left bank of the Demerara River in the County of Demerara:

Commencing at a point where the northern boundary of Plantation Belle Vue meets the mean low water mark of the Demerara River and extending thence in a westerly direction along the said northern boundary of Plantation Belle Vue to the extremity of the 1st depth of Plantation Belle Vue thence southwards along the extremity of the 1st depth of Plantation Belle Vue to the southern boundary of Plantation Belle Vue thence eastwards along the southern boundary of Plantation Belle Vue to the extremity of the 1st depth of Plantation Good Intent, thence along the extremities of the 1st depth of

Plantation Good Intent and De Gezusters to the northern boundary of the land held under Licence of Occupancy A 38, thence eastwards along the said northern boundary of the land held under Licence of Occupancy A 38 to the extremity of the 1st depth of Plantation Goed Verwagting, thence southwards along the extremity of the 1st depth of Plantation Goed Verwagting to the southern boundary of Plantation Goed Verwagting, thence along the southern boundary of Plantation Goed

O. 18/1965 Verwagting to the mean low water mark of the Demerara River, thence along the said mean low water mark of the Demerara River to the point of commencement.

Note—The said area of land comprises the plantations commonly known as Belle Vue, Good Intent, Sisters and Wales and is bounded as follows:

- On the North: by the Company path between Plantations La Retraite and Belle Vue
- On the South: by Plantation De Jonge Rachael
- On the East: by the Demerara River
- On the West: by the extremities of the 1st depths of Plantations Belle Vue, Good Intent, De Gezusters and Goed Verwagting

O. 79/1973 An area of land situate on the left bank of the Demerara River in the County of Demerara and bounded as follows:

Commencing at the point where the northern boundary of Plantation Jacobs Lust meets the left bank of the Demerara River, and ex-tending thence in a westerly direction along the said northern boundary of Plantation Jacobs Lust and its westward prolongation to the point of intersection with the western boundary of the reserve for the irrigation canal

[Subsidiary]

Land Registry (Registration Areas) Order

constructed under the Boerasirie Extension Project; thence in a southerly direction along the western boundary of the said reserve for the irrigation canal and its southward prolongation to the point of intersection with the westward prolongation of the southern boundary of Plantation Zorg-en-Vliet; thence in an easterly direction along the said westward prolongation and along the southern boundary of Plantation Zorg-en-Vliet to the left bank of the Demerara River; thence in a northerly direction along the left bank of the Demerara River to the point of commencement.

O. 23/1966A

An area of land on the left bank of the Demerara River bounded as follows:

On the North:	by the southern boundary of Zorg-en-Vliet
On the South:	by the northern boundary of Lot No. 51 or Christianburg
On the East:	by the left bank of the Demerara River
On the West:	by State Land

and comprising the following Plantations—Susannah's Rust, Her- mansteyn, Bee Hive, Princess Carolina, Glasgow, Sand Hills, Vreeden Rust, Dunoon, Aurora or Dorchester, Good Hope, Dankberheid, Experience, Hope, Maracouba, Lands of Osbourne, Stena, Berlin, Klien Paris, Vreed-en-Hoop, Stamholder, La Resource, Certain Hope, Leyden, Sophia's Rust, De Cottagie, Uitkomst, Spring Garden, St. Jan, Richmond, Blenheim, The Bell, Herstelling, Maltha, Aan de Adventure, Suyd Beveland now called Charters, Amsterdam, Gold Hill, Lot No. 49 and Lot No. 50.

O. 36/1970

Stewartville on the West Coast in the County of Demerara and bounded as follows:

On the North:	by the Atlantic Ocean
---------------	-----------------------

LAWS OF GUYANA

122 **Cap. 5:02**

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

- On the South: by State Lands
- On the East: by the Western boundary of the
Company Path between
Stewartville and Leonora
- On the West: by the Eastern boundary of the
Company Path between
Uitvlugt and Stewartville

ESSEQUIBO

O. 20/1972 An area of land situate on the right bank Essequibo River and bounded as follows:

- On the North: by the right bank Essequibo
River
- On the South: by the northern boundary of the
Naamryck/Ruby Distributary
Reserve
- On the East: by the common boundary
between Plantation Hydronic
and Plantation Parika and its
prolongation to the northern
boundary of the
Naamryck/Ruby Distributary
Reserve
- On the West: by the common boundary
between Plantation Hyde Park
and Plantation Parika and its
prolongation to the northern
boundary of the
Naamryck/Ruby Distributary
Reserve

O. 63/1963 The area of land known as Goodman's Freetown, being a portion of the Island of Leguan in the Essequibo River and bounded as follows:

[Subsidiary]

Land Registry (Registration Areas) Order

On the North: by Pin. Vroun Anna
 On the South: by lands comprised in Grant No. 1818
 On the East: by the Essequibo River
 On the West: by the Essequibo River

O.27/1966A Plantation Ridge, in the island of Wakenaam, comprising an area of approximately 411 acres and bounded as follows:

On the North: by Plantation Palmyra
 On the South: by Plantation Concordia
 On the East: by the Essequibo River
 On the West: by the Essequibo River

O.27/1966A Plantation Good Hope situate on the left bank of the Essequibo River in the County of Essequibo, bounded on the north by Plantation Spring Garden, on the east by the Essequibo River, on the south by the Supenaam River and on the west by State Lands.

O.28/1966A An area of land situate on the Essequibo Coast of the County of Essequibo and bounded as follows:

On the North: by the common boundary between Plantation Westfield and Plantation Alliance
 On the South: by the northern boundary of the Company's Path between Plantation Dageraad and Plantation L'Union
 On the East: by the Atlantic Ocean
 On the West: by State Land and comprising Plantations Dageraad, Mocha and Westfield.

O. 29/1966A An area of land situate on the Essequibo Coast of the County of Essequibo and bounded as follows:

LAWS OF GUYANA

124 Cap. 5:02

Land Registry

[Subsidiary]

Land Registry (Registration Areas) Order

On the North: by the common boundary between Plantation Three Friends and Plantation Land of Plenty

On the South: by the common boundary between Plantation Aberdeen and Plantation Columbia

On the East: by the Atlantic Ocean

On the West: by State Lands and comprising Plantations Aberdeen and Three Friends.

O. 9/1964 An area of land situate on the Essequibo Coast of the County of Essequibo and bounded as follows:

On the North: by the common boundary between Plantation Devonshire Castle and Plantation Walton Hall

On the South: by the northern boundary of the Company's Path between Plantation Hampton Court and Plantation Windsor Castle

On the East: by the Atlantic Ocean

On the West: by State Land and comprising Plantations Hampton Court and Devonshire Castle

O. 1/1965 An area of land on the right bank of the Pomeroon River bounded as follows:

On the North: by the southern boundary of the Cozier Canal Reserve

On the South: by the southern boundary of the parcel of land held under Grant No. 2264 and its prolongation

[Subsidiary]

Land Registry (Registration Areas) Order

eastwards to the Atlantic Ocean
 On the East: by the Atlantic Ocean
 On the West: by the right bank of the
 Pomeroon River

O. 10/1964 An area of land on the right bank of the Pomeroon River
 bounded as follows:

On the North: by the Atlantic Ocean and East:
 On the South: by the southern boundary of the
 Cozier Canal Reserve
 On the West: by the right bank of the
 Pomeroon River

O.2/1965 An area of land on the left bank of the Pomeroon River
 bounded as follows:

On the North: by the northern boundary of the
 parcel of land held under Grant
 No. 3461 and its prolongation
 westwards.
 On the West: by the western boundary of
 the parcel of land held under
 Grant No. 666 and its prolonga-
 tion northwards, and a straight
 line N348° (tr.) approximately,
 passing through the north-
 western corner of the parcel of
 land held under Grant No. 537.

On the South and East: by the left bank of
 the Pomeroon River

An area of land on the left bank of the Pomeroon River
 bounded as follows:

On the North: by the Atlantic Ocean and

- including the parcel of land held under Grant No. 2041 at the mouth of the Pomeroon River
- On the South: by the northern boundary of the parcel of land held under Grant No. 3461
- On the East: by the left bank of the Pomeroon River
- On the West: by a line parallel to and about 4,500 feet inland from the left bank of the Pomeroon River, and including the parcels of land held under Grants Nos. 4712 and 3969 on the Akawinni River and Grants Nos. 3782, 3781 and 3163 on the Wakapau River

LAND REGISTRY RULES

ARRANGEMENT OF RULES

RULES

1. Citation.
2. Interpretation.
3. Registrar's report on titles.
4. Particulars of land to be furnished to the Registrar.
5. Appointment and duties of surveyors.
6. Preliminary sketches and lists.
7. Notification of Commissioner's award.
8. The index map.
9. Blocks and zones
10. Plans other than recorded plans.
11. Application for mutation.

[Subsidiary]

Land Registry (Registration Areas) Order

[Subsidiary]

Land Registry Rules

RULE

12. Procedure on mutation.
13. Allotment of new parcel-numbers.
14. Transfer of small areas.
15. Form of register.
16. Form of memorials.
17. Provision as to instruments.
18. Endorsement of consent on agreement.
19. Presentation of an instrument to be accompanied by fees.
20. Instruments not to be taken out of land registry.
21. Registration of instrument.
22. Correction of instruments and further proof.
23. Refusal of registration.
24. Procedure on abandonment or refusal of registration.
25. Removal of folios from register.
26. Disposal of spent folios and instruments.
27. Checking of certificates of title.
28. Inspection of the register.
29. Stay of registration.
30. Claims by adverse possession.

R. 2/1960

LAND REGISTRY RULES*made under section 159*

Citation. **1.** These Rules may be cited as the Land Registry Rules.

Interpretation. **2.** In these Rules—

"area" means any area designated under section 17;

"mutation" means any alteration to the boundaries of a parcel as shown on the index map;

"recorded plan" includes the index map

Registrar's
report on titles.

3. For the purpose of the report on titles required by section 20, the Registrar of Deeds and the Commissioner of Lands shall furnish to the Registrar particulars of all land in the area which is—

- (a) held under a registered title;
- (b) held under a document of title;
- (c) otherwise the property of the State;
- (d) vested in any statutory authority; or
- (e) affected by any instructions to pass a transport, mortgage or lease or by any writ, summation or other process, that affects or is likely to affect the title of any person to such land.

Particulars of
land to be
furnished to the
Registrar.

4. The Registrar of Deeds and the Commissioner of Lands shall from time to time furnish to the Registrar particulars of such land in any area as may become affected by any of the matters set out in paragraph (e) of the preceding rule and thereupon the Registrar shall transmit the particulars to the Commissioner. This Rule shall cease to apply after the publication of the list referred to in section 31.

Appointment
and duties of
surveyors.

5. (1) The Commissioner of Lands shall at the request of the Commissioner appoint a fit person hereinafter called "the surveyor" to make a survey of the area.

[Subsidiary]

Land Registry Rules

(2) Subject to any general or particular directions issued by the Commissioner, the duties of the surveyor shall be as follows:

- (a) he shall see that the boundaries of each separate plot of privately owned land and of public roads, rights of way, and reserves for communal and other purposes within the area are demarcated;
- (b) he shall see that all unclaimed land is demarcated on behalf of the State;
- (c) he shall make or cause to be made a sketch of the land demarcated as aforesaid and shall see that each separate plot of land is distinguished on the sketch by a number, letter or otherwise;
- (d) he shall prepare a list showing in respect of each and every plot of land the name of the reputed owner or owners, if any, and of any other claimants thereto or to any mortgage, charge, lease or lien thereon;
- (e) if he becomes aware of any dispute as to the ownership of any land or the position of any boundary he shall report to the Commissioner the nature of the dispute and the names of the parties thereto, so far as these are known to him;
- (f) in the list aforesaid he shall enter the

State as the owner of all unclaimed land.

Preliminary sketches and lists.

6. (1) Sketches and lists prepared by the surveyor shall be submitted to the Commissioner from time to time as may be convenient.

(2) In preparing the sketches and lists the surveyor shall, subject to the general direction of the Commissioner, take into consideration the powers of the Commissioner under section 25 (1) and shall, on submitting the sketches and lists, make to the Commissioner such recommendations as may to him seem fit.

Notification of Commissioner's award.

7. (1) When the Commissioner has made an award in respect of any parcel, he shall notify the surveyor accordingly who shall thereupon make a survey of the boundaries of the parcel.

(2) The Commissioner on making any award may direct that the boundaries of any parcel as shown in the sketch be altered in such manner as he may consider just, and the surveyor shall alter the boundaries accordingly.

The index map.

8. (1) When all the parcels in a block have been surveyed the surveyor shall prepare an index map of the block and file the same as a record with the Commissioner of Lands.

(2) In preparing the index map the surveyor shall allot definitive parcel-numbers to all parcels and shall notify the Commissioner of the numbers allotted.

(3) Where in any land settlement scheme two or more lots or areas of land together form a single holding and are the subject of a single lease the terms of which provide that the land comprised in the holding shall not be capable of

[Subsidiary]

Land Registry Rules

sub-division or separation, then such lots or areas may be treated as a single parcel.

(4) Every declaration or record or title made by the Commissioner shall describe the land by reference to its parcel-number.

(5) The index map shall be kept by the Commissioner of Lands, and a copy thereof shall be kept in the Land Registry.

(6) No alteration to the index map shall be made except in accordance with the provisions of these Rules. When any alteration to the index map is made, the copy kept in the land registry shall be brought up to date by the Commissioner of Lands.

Blocks and zones.

9. (1) The Commissioner of Lands shall determine the boundaries of blocks and the scales to be used in the preparation of plans.

(2) Blocks shall not be laid out in a regular grid but their boundaries shall be determined in relation to natural features, artificial works or existing boundaries, so far as these exist, and in other cases shall be drawn as may be convenient.

(3) Blocks shall be grouped into zones, the limits of which shall be determined by large-scale natural features or administrative boundaries. Each zone shall be given a distinctive name, but the names of estates or plantations shall not be used as part of the name of any zone.

(4) The blocks in each zone shall be numbered consecutively in as regular an order as circumstances permit.

Plans other than
recorded plans.

10. No registration shall be made under the proviso to section 53 except in the case of-

- (a) a lease for a period of less than twenty-one years; or
- (b) a dealing which affects an exact and specified half or third or quarter of a rectangular parcel which is itself delineated on a recorded plan.

Application for
mutation.

11. (1) The registered proprietor of any parcel may apply to the Registrar for the parcel to be subdivided by mutation and the registered proprietors of adjacent parcels may apply to the Registrar for the boundary between their parcels to be altered, or for their land to be reparcelled, by mutation.

(2) Every application made as aforesaid shall be accompanied by-

- (a) a diagram on plan showing the manner in which it is desired that the parcel be subdivided or the boundary altered or the land reparcelled; ,
- (b) the approval of the subdivision, alteration or reparceling by any authority whose approval may be necessary; and
- (c) a statement of the names and addresses of the persons who are to be present on the ground at the survey.

[Subsidiary]

Land Registry Rules

Procedure on
mutation.

12. (1) In any case-

- (a) where the Registrar is satisfied that there is no objection to any mutation for which application has been made under the last preceding rule; or
- (b) where in accordance with any Act any land becomes vested in the State or in any person and the Registrar is satisfied that it is necessary to make a mutation of any parcel or parcels of land in order to give effect to such vesting,

the Registrar shall annotate upon the folio of each parcel affected the words "Mutation No. pending" and shall send to the Commissioner of Lands a requisition to alter the index map.

(2) The Commissioner of Lands shall thereupon cause to be made such surveys as may be necessary and shall record the result thereof on the requisition. He may accept a plan prepared by a sworn land surveyor, provided that the plan shows all the boundaries of the parcel or parcels affected by the mutation and is drawn on the same scale as the index map on which such parcels are shown. He shall allot numbers to all new parcels and shall enter the numbers and areas of such parcels on the requisition and shall return it to the Registrar together with a copy of the plan of the mutation.

(3) The Registrar shall thereupon register the mutation by removing from the register the folios of all old parcels and inserting folios for the new parcels and entering thereon such memorials as may be necessary. He shall then return the requisition to the Commissioner of Lands with a statement that the mutation has been entered in the register

and the Commissioner of Lands shall thereupon make the necessary alterations to the index map and shall inform the Registrar when this has been done.

Allotment of new parcel-numbers.

13. In allotting numbers to new parcels the Commissioner of Lands shall take up the next unused numbers in the registration block. The numbers of the old parcels shall go out of use and shall not be used again.

Transfer of small areas.

14. Where in the course of a mutation any land is transferred from one parcel to another, the fact that the area of land so transferred is smaller than the minimum area permitted to be held as separate parcel shall not of itself be an objection to the transfer.

Form of register.

15. The register of each parcel shall be a folio in the form set out in the First Schedule. Folios shall be kept in loose leaf binders in consecutive order or parcel numbers.

Form of memorials.

16. Memorials of registered interests shall be set out in the manner following:

(A) Easements and Restrictive Covenants

Where the description of any easement or restrictive covenant as set out in the instrument creating the same is so short that it may conveniently be entered verbatim in the folio, it may be so entered. In every other case the memorial shall be in the form:

"the land enjoys the benefit (is subject to the burden) of the easement (restrictive covenant) set out in Instrument No..... over (against, in favour of) parcel No ". In no case shall the terms of any easement or restrictive covenant be summarised.

[Subsidiary]

Land Registry Rules

(B) Proprietorship

- (a) A memorial of proprietorship shall consist of the name and address of the proprietor, together with the number of the instrument under which he acquired title, the date of registration, and a statement of how title was acquired;
- (b) where upon first registration the title registered is an absolute title, no reference shall be made to the fact;
- (c) where upon first registration the title registered is a provisional title there shall be written in red ink beneath the name of the proprietor the words: "Provisional title subject to the qualification set out in Declaration No.....";
- (d) where any land held under a provisional title is transferred or transmitted, there shall be written in red ink under the name of the new proprietor the words: "Provisional title as above";
- (e) where any provisional title is converted to an absolute title, all reference to the provisional title shall be struck out and a memorial of the conversion shall be entered under "Proprietorship" in the form: "Converted to absolute title";

- (f) on an award of absolute title made under section 49, all references to the provisional title shall be struck out.

(C) *Encumbrances*

Second
Schedule. Memorials of encumbrances shall be in the forms set out in the Second Schedule or (subject to the direction of the Registrar) as near thereto as the circumstances of the case permit.

Provision as to
instruments. **17.** (1) Every instrument presented for registration shall be clearly written, typed or printed on good quality foolscap paper. Alterations and interlineations shall be avoided as far as possible, but if unavoidable, they shall be initialled by the parties to the instrument.

(2) Where an instrument is executed in duplicate the word "Original" shall be written on one copy and the word "Duplicate" on the other. A duplicate instrument may be a typewritten carbon copy of the original, but no carbon copy shall be accepted for registration as an original.

(3) Where an instrument is executed in duplicate, any endorsement required by the Act or by these Rules to be made thereon shall also be made on the duplicate.

Endorsement of
consent on
agreement. **18.** Where the consent or agreement of any person is required before the registration of any instrument, that consent or agreement shall if possible be endorsed on the instrument itself. If not so endorsed, the consent or agreement shall be filed and a note thereof shall be made by the Registrar on the instrument.

Presentation of
an instrument
to be
accompanied by **19.** No instrument shall be presented for registration unless accompanied by the fees payable in respect thereof.

[Subsidiary]

Land Registry Rules

fees.

Instruments not to be taken out of land registry.

20. No instrument once presented may thereafter be taken out of the land registry except under the provisions of rule 24. If under these Rules any error or omission in an instrument is corrected, the correction will be made in the land registry in the presence of the Registrar or of any officer of the land registry authorised by him for the purpose.

Registration of instrument.

21. An instrument that is found to be in order on presentation shall be registered and thereafter shall not be withdrawn either by the presenter or by any other person.

Correction of instruments and further proof.

22. If any instrument presented is found not to be in order by reason of any formal error or omission which, in the opinion of the Registrar, does not affect the substance of the dealing to be made and is capable of correction, or if the Registrar requires further proof of any fact or matter set forth in any instrument presented, the Registrar may cause to be served on the presenter notice in writing requiring him to correct the error or omission or to produce further proof in such manner as the Registrar may prescribe. If the presenter fails to comply with the requisition within fourteen days of service the application for registration shall be treated as abandoned:

Provided that the Registrar may for reasons which appear to him sufficient enlarge the time during which any error or omission may be corrected or further proof produced.

Refusal of registration.

23. If any instrument presented is found not to be in order for any reason other than those set out in rule 22, registration shall be refused.

Procedure on abandonment or refusal of

24. Where the Registrar treats any application as abandoned or refuses to register any instrument presented,

registration. he shall cause notice thereof to be served on the parties to the instrument. No requisition made under section 145 requiring the Registrar to state the reasons for his decision shall be accepted by the Registrar after the expiry of fourteen days from the service of the notice. On the expiry of fourteen days as aforesaid, or, in case an appeal is brought, on dismissal of the appeal, the Registrar shall mark the instrument "treated as abandoned" or "registration refused", as the case may be, and shall return it together with all documents in support to the person who would have benefited by the proposed dealing.

Removal of folios from register. — **25.** No folio shall be removed from the register except

- (a) where a parcel has ceased to exist as the result of a mutation; or
- (b) where there is no space on a folio for further entries;

in the latter case a new edition of the folio shall be prepared containing only living entries.

Disposal of spent folios and instruments. **26.** Folios removed from the register and spent instruments shall not be destroyed but shall be kept in the land registry archives until their disposal is authorised by rules made under the Act.

Checking of certificates of title. **27.** The holder of a certificate of title may present the same to the Registrar for checking. Upon such presentation the Registrar shall enter upon the certificate particulars of any matters that may require entry thereon, and if there are no such matters he shall enter the word "checked" together with the time and date. No fee shall be charged for checking a certificate.

[Subsidiary]

Land Registry Rules

Inspection of the register.

28. (1) Any person who applies to inspect the register shall specify the parcel-number of the folio that he wishes to inspect, and on payment of the prescribed fee the place shall be found and the folio shown to him by an officer of the land registry.

(2) No person other than an officer of the land registry shall be entitled to inspect any of the records of the land registry, except the registrar.

Stay of registration.

29. An order staying registration made by the Registrar under section 142 shall cease to be of effect at the expiry of fourteen days after the date of the order.

Claims by adverse possession.

30. Any application, counter-application or notice of objection made under section 107 in respect of any claim to title possession shall be in the form set out in the Third Schedule.

r. 15

FIRST SCHEDULE

FORM OF REGISTER

A. PROPERTY

	Zone	Block	Parcel
Origin of Parcel } First registration.			
} Mutation No		Area:	
Description of parcel			
Easements and restrictive covenants –			

LAWS OF GUYANA

140 Cap. 5:02

Land Registry

[Subsidiary]

Land Registry Rules

B. PROPRIETORSHIP

No.	Date of Registration	Instrument Number	Name and Address of Proprietor	How Acquired
-----	-------------------------	----------------------	--------------------------------------	-----------------

C. ENCUMBRANCES

No.	Date of Registration	Instrument Number	Particulars
-----	-------------------------	----------------------	-------------

r. 16

SECOND SCHEDULE

MEMORIALS OF ENCUMBRANCES

(1) MORTGAGES, CHARGES AND LIENS

- (a) First (second etc.) mortgage to A.B. for (dollars).
- (b) Charge of (dollars *per annum*) in

favour of A.B. for (term).

- (c) Mortgage/charge No ..
 - (i) transferred to A.B.
 - (ii) transmitted to A.B.
 - (iii) terms and conditions varied.
 - (iv) amount increased/reduced to (dollars).
 - (v) postponed to mortgage/charge No .
 - (vi) discharged by mortgagee/chargee.
 - (vii) discharged by Registrar.
- (d) Certificate deposited with A.B. to secure (dollars).

(2) LEASES

- (a) Lease to A.B. for (term) at (dollars *per annum*).
- (b) Lease No ..
 - (i) transferred to A.B.
 - (ii) transmitted to A.B.
 - (iii) terms and conditions varied
 - (iv) extended/reduced to (new term).
 - (v) surrendered by lessee.
 - (vi) determined by Registrar.

(3) JUDGMENTS AND WRITS

- (a) Judgment for (dollars) in favour of A.B.

- (b) Writ for (dollars) in favour of AB.
- (c) Writ for (dollars) pursuant to Judgment No .
- (d) Judgment/Writ No.
 - (i) satisfied.
 - (ii) lapsed.
 - (iii) removed at request of creditor.

(4) LIMITATIONS

- (a) Restriction: proceeds of dealing to be paid to AB.
- (b) Caveat: no dealing except after notice to A.B.
- (c) Caveat: all dealings subject to the claim of AB.
- (d) *Prohibition: no dealing except on conditions prescribed by Registrar dated .
- (e) Stay: no dealing before (date).

*If the wording of a prohibition is very brief, it may be set out verbatim, but in no circumstances shall a prohibition be summarised.

r. 30

THIRD SCHEDULE

FORM 1

**APPLICATION FOR REGISTRATION OF TITLE BY
ADVERSE POSSESSION OF REGISTERED LAND**

To the Commissioner of Title
through the Registrar of Lands.

I, E.F., hereby apply for the registration in my name of the registered land amounting to (area in acres or square feet) or thereabouts situate in (parcel-number) now registered in the name of A.B.

I claim to have acquired title to the above land by adverse possession, evidence of which is attached.

My address for service is (place).

Date.

Signature of applicant

NOTE

This application should be accompanied by-

- (a) a statutory declaration giving-
 - (i) a history of the possession and occupation of the land, showing how and when and by what authority (if any) the claimant, or any person through whom he claims, first came into possession of the land and how the land has been possessed and

- occupied since that time;
- (ii) the names of all persons now in occupation of the land and, in case the applicant himself is not himself in occupation, particulars of any right, agreement or other circumstance by virtue of which the land is now occupied;
 - (iii) the names of all adjacent landowners;
 - (iv) where the land appears in the register to be subject to any encumbrance, a statement whether or not the claimant admits such encumbrance, and if he does not admit it, a statement of his reasons therefor.
- (b) any documents or other evidence relied on by the applicant in support of his application;
 - (c) a plan of the land claimed;
 - (d) a numbered list of all documents and plans submitted.

The documents and plans should themselves be numbered to correspond with the list.

FORM 2**COUNTER-APPLICATION FOR REGISTRATION OF
TITLE BY ADVERSE POSSESSION OF REGISTERED
LAND**

The Commissioner of Title
through the Registrar of Lands.

I, C.D., hereby apply for the registration in my name of
the land (or part of the land) described in the application of
E.F. in Notice No.: (number) published in the *Gazette* on (date)
and situated in (parcel-number).

I claim to have acquired title to the land by adverse
possession, evidence of which is attached.

My address for service is (place).

Date.

Signature of counter-applicant.

NOTE

This application should be accompanied by the same
enclosures as those prescribed in Form I.

FORM 3**OBJECTION TO APPLICATION FOR REGISTRATION OF
TITLE BY ADVERSE POSSESSION**

The Commissioner of Title
through the Registrar of Lands.

I, G.H., hereby object to the registration in the name of

LAWS OF GUYANA

146 **Cap. 5:02**

Land Registry

[Subsidiary]

Land Registry Rules

E.F. of the land (or part of the land) described in the application of the said E.F. in Notice No. (number) published in the *Gazette* on (date) and situated in (parcel-number).

The grounds of my objection are set out in the attached affidavit.

My address for service is (place).

Date.

Signature of applicant

NOTE

This application should be accompanied by an affidavit setting out the grounds of the objection.
