

**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. Stay of registration.

(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 affectual as if no stay of registration had been obtained.

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

(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 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 Commissioner.

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

**148.** Every person who under this Act— Addresses.

(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.

**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. Service of notices.

**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. Instruments deposited in Deeds Registry.

**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. Special powers of attorney. c. 5:01

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

(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 Registrar  
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.

155. (1) Every person who—

Offences.

(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 under this Act to require explanation or information in respect of any land,

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 four thousand dollars or to imprisonment for two years;

(b) on summary conviction, be liable to a fine of seven hundred and fifty dollars or to imprisonment for three months.

156. Every person who not being a barrister, solicitor 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 four hundred dollars: Unqualified practitioners.

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

LAWS OF GUYANA

58

Cap. 5:02

Land Registry

(b) any person employed merely to engross any instrument or application.

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

c. 5:01

(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.

**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. Declaration as to consideration.

(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 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.

**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. Remuneration of legal practitioners.

(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*.

**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. 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.

## FIRST SCHEDULE

s. 160

### 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 interest 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

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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

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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.)

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FORM C

MORTGAGE (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 mortgage (all my interest in the said parcel) to C.D. of (address) to secure the principal sum of (dollars) repayable on (date) with interest at (percentage) payable on (dates of payment) in each year.

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

As witness my hand, etc.

(See notes below.)

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FORM D

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.)

LAWS OF GUYANA

62

Cap. 5:02

Land Registry

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FORM E

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*).

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FORM F

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.*)

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FORM G

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.)

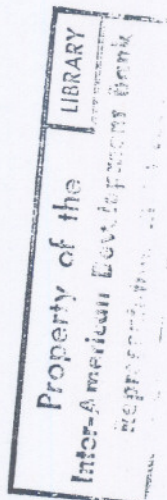
I, the above named A.B., (or C.D. solicitor or attorney for the said A.B.) do solemnly and sincerely declare that the statements in the above caveat are true in substance and in fact (as I have been informed by the above named A.B. and verily believe).

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

s. 161

FEEES

	\$	c.
1. On the first registration—		
for the first \$500 or part thereof ... ..	5	00
for every \$500 or part thereof—		
in excess of \$500 up to \$2,500 ... ..	2	50
in excess of \$2,500 up to \$5,000 ... ..	1	00
in excess of \$5,000 ... ..	50	

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

\$ c.

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;

- (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;
- (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.

2. By way of contribution to the Assurance Fund—

- (a) on first registration of land under this Act—  
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:

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.

- (b) on registration of any transfer for value of land held under an absolute title—  
one-tenth of one per cent of the value of land or consideration;

- (c) on registration of a transfer for value, or any mortgage, charge, lease, or transmission of any land held under a provisional title—

one fifth of one per cent of the value of the land:

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.

3. On presentation for registration of—

- (a) a transfer of land on sale—

for the first \$500 or part thereof of the value of the land	5 00
for every \$500 or part thereof in excess of \$500 ...	1 00

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.

	\$ c.
(b) any other transfer or a transmission ... ..	5 00
(c) a mortgage or charge—	
for the first \$500 or part thereof of the amount secured or the value of the charge as the case may be ... ..	5 00
for every \$500 or part thereof in excess of \$500 up to \$5,000 ... ..	50
for every \$500 or part thereof in excess of \$5,000 ...	25
<p>Provided that where such mortgage or charge is registered pursuant to an 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>	
(d) a lease—	
where the lease is not required to be registered ...	1 00
where the term of the lease does not exceed twenty years ... ..	2 00
in any other case... ..	5 00
(e) a judgment ... ..	3 00
(f) a writ of execution—	
if issued in pursuance of a registered judgment ...	2 00
in any other case... ..	5 00
(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... ..	5 00
(h) a notice of deposit of a certificate of title—	
one half of the fee payable on a mortgage equal in value to the sum secured.	
(i) an easement or restrictive covenant—	
if entered in the register of one dominant and one servient parcel ... ..	5 00
for every further parcel ... ..	1 00
(j) any other instrument or document capable of registration for which no fee is provided ... ..	1 00