



# The Official Gazette

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THURSDAY 16TH JULY, 1992

THE OFFICIAL GAZETTE 16TH JULY, 1992  
LEGAL SUPPLEMENT - B

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GUYANA

No. 8 of 1992

REGULATIONS

Made Under

THE DEEDS REGISTRY ACT

(Cap. 5:01)

IN EXERCISE OF THE POWERS CONFERRED UPON THE MINISTER BY SECTION 44 OF THE DEEDS REGISTRY ACT, I HEREBY MAKE THE FOLLOWING REGULATIONS:—

1. These Regulations, which amend the Deeds Registry Fees Regulations\*, may be cited as the Deeds Registry Fees (Amendment) Regulations 1992. Citation.

2. The Schedule to the Principal Regulations is hereby amended as follows — Amend-  
ment of the  
Schedule to  
the Prin-  
cipal  
Regulations,

\*Cap. 5:01 Subsidiary Legislation.

- (a) by substitution for item 1 of the following item as item 1 —

“1. For preparing advertisement of transport and for publication thereof, examination of title and certificate under rule 9, preparing transport and one grosse not exceeding 5 folios, attending on execution and completing, and registering —where the value of the property does not exceed \$10,000 .. 100 00”

exceeds \$10,000, for every \$1,000, in addition thereto .... 10 00

See also items 48, 55 and 56.”;

- (b) in item 4, by the substitution for the words “1 00” of the words “100 00”;

- (c) by the substitution for item 7, of the following item as item 7 —

“7. For preparing advertisement of mortgage and for publication thereof for examination of title and certificate under rule 9, for preparing grosse, for attending on execution and completion and registering—where the sum agreed to be lent or secured by the mortgage does not exceed \$10,000 .... 100 00

exceeds \$10,000 for every \$1,000 in addition thereto .. 10 00  
See also item 48.”;

- (d) in item 9, by the substitution for the words “2 00” of the words “50 00”;

- (e) in item 10 (a), by the substitution for the words “2 50”, “5 00” and “10 00” of the words “10 00”, “20 00” and “40 00”, respectively;

- (f) in item 11 (a), by the substitution for the words “2 50”, “5 00” and “10 00” of the words “10 00”, “20 00” and “40 00”, respectively;

- (g) in item 12, by the substitution for the words “2 00” of the words “20 00”;

- (h) in item 13, by the substitution for the words "2 00" of the words "20 00";
- (i) in item 14, by the substitution for the words "1 00" of the words "10 00";
- (j) in item 15, by the substitution for the words "0 50" of the words "10 00";
- (k) in item 16, by the substitution for the words "1 00" of the words "10 00";
- (l) in item 17, by the substitution for the words "8 00" and "0 10" of the words "100 00" and "10 00", respectively;
- (m) in item 18, by the substitution for the words "5 00" and "0 00" of the words "25 00" and "10 00", respectively;
- (n) in item 19, by the substitution for the words "2 00" of the words "10 00";
- (o) in item 20, by the substitution for the words "3 00" of the words "50 00";
- (p) in item 21, by the substitution for the words "2 00" of the words "50 00";
- (q) in item 22, by the substitution for the words "1 00" of the words "50 00";
- (r) in item 23, by the substitution for the words "2 00" of the words "50 00";
- (s) in item 24, by the substitution for the words "0 10" of the words "10 00";
- (t) in item 25, by the substitution for the words "7 00" of the words "50 00";
- (u) in item 26, by the substitution for the words "7 00" of the words "50 00";
- (v) in item 27, by the substitution for the words "5 00" of the words "50 00";
- (w) in item 28, by the substitution for the words "1 00" of the words "20 00";

- (x) in item 29, by the substitution for the words "1 00" of the words "20 00";
- (y) in item 30, by the substitution for the words "5 00" and "0 10" of the words "100 00" and "10 00", respectively;
- (z) in item 31, by the substitution for the words "3 50" of the words "50 00";
- (aa) in item 32, by the substitution for the words "1 00" of the words "50 00";
- (bb) in item 33, by the substitution for the words "\$5", "3 00", "1 00" and "1 00" of the words "\$30 00", "10 00", "10 00" and "10 00", respectively;
- (cc) in item 34, by the substitution for the words "1 00" and "0 50" of the words "10 00" and "10 00", respectively.
- (dd) in item 35, by the substitution for the words "1 00" and "3 00" of the words "10 00" and "30 00" respectively;
- (ee) in item 36, by the substitution for the words "1 00" of the words "10 00";
- (ff) in item 37, by the substitution for the words "0 25" of the words "10 00";
- (gg) in item 38, by the substitution for the words "0 25" of the words "5 00";
- (hh) in item 39, by the substitution for the words "1 00" of the words "10 00";
- (ii) in item 40, by the substitution for the words "1 00" and "0 50" of the words "10 00" and "10 00", respectively;
- (ji) in item 41, by the substitution for the words "0 50" of the words "10 00";
- (kk) in item 42, by the substitution for the words "1 50", "2 50", "3 50", "4 50" and "5 50" of the words "15 00", "25 00", "35 00", "45 00" and "55 00", respectively;

- (ll) in item 43, by the substitution for the words "0 50" of the words "500 00";
- (mm) in item 44, by the substitution for the words "\$250" in both places where those words occur, "5 00" and "10 00" of the words "\$5 000", "200 00" and "300 00", respectively.
- (nn) in item 45, by the substitution for the words "9 00" of the words "200 00";
- (oo) in item 46, by the substitution for the words "20 00" of the words "250 00";
- (pp) in item 47, by the substitution for the words "2 00" of the words "50 00";
- (qq) in item 48, by the substitution for the words "2 00" of the words "200 00";
- (rr) in item 49, by the substitution for the words "2 00" of the words "50 00";
- (ss) in item 50, by the substitution for the words "1 00" of the words "50 00";
- (tt) in item 51, by the substitution for the words "1 00" of the words "50 00";
- (uu) in item 52, by the substitution for the words "2 00" of the words "50 00";
- (vv) in item 53, by the substitution for the words "0 10" of the words "10 00";
- (ww) in item 54, by the substitution for the words "0 25" of the words "10 00";
- (xx) in item 55, by the substitution for the words "0 10" of the words "10 00";
- (yy) in item 56, by the substitution for the words "0 10" of the words "10 00";
- (zz) in item 57, by the substitution for the words "0 10" of the words "10 00".

Made this 15th day of July, 1992.

*Carl B. Greenidge,*  
Minister of Finance.

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THURSDAY 16TH JULY, 1992

GUYANA

No. 8 of 1993

REGULATIONS

Made Under

THE DEEDS REGISTRY ACT

(Cap. 5:01)

IN EXERCISE OF THE POWERS CONFERRED UPON THE MINISTER BY SECTION 44 OF THE DEEDS REGISTRY ACT, I HEREBY MAKE THE FOLLOWING REGULATIONS:—

Citation.

1. These Regulations, which amend the Deeds Registry Fees Regulations\*, may be cited as the Deeds Registry Fees (Amendment) Regulations 1993.

Amendment of the Schedule to the Principal Regulations.

2. The Schedule to the Principal Regulations is hereby amended as follows —

(i) by the substitution for item 1, of the following item as item 1 —

“1. For preparing advertisement of transport and for publication thereof, examination of title and certificate under rule 9, preparing transport and one grosse not exceeding 5 folios, attending on execution and completing, and registering — where the value of the property does not exceed \$10,000 .. .. \$100.00

exceeds \$10,000 .... one half of one per cent of the value of the property or one hundred dollars whichever is the greater. See also items 48, 55 and 56.”;

\*Cap. 5:01 Subsidiary Legislation.

- (ii) by the substitution for item 7, of the following item as item 7 —

“7. For preparing advertisement of mortgage and for publication thereof for examination of title and certificate under rule 9, for preparing grosse, for attending on execution and completion and registering — where the sum agreed to be lent or secured by the mortgage does not exceed \$10,000 ... .. \$100.00

exceeds \$10,000 one-fifth of one per cent of the sum agreed to be lent or one hundred dollars whichever is the greater.

See also item 48.”

Made this 16th day of April, 1993.

**Asgar Ally;**  
Minister of Finance.



46 Garnett Street  
Lamaha Gardens  
Georgetown

29 December 1992

The Hon. Minister of Finance  
Ministry of Finance  
Main & Urquhart Streets  
GEORGETOWN

Hon. Minister:

**Fees on Transports/Mortgages/Leases  
Land Registry Transfers**

I have the honour to bring to your attention certain of the provisions of Regulations No. 8 of 1992, copied herewith, cited as The Deeds Registry Fees (Amendment) Regulations 1992. They came into effect on 16 July 1992.

This new regime of fees, believed to have been largely adopted from recommendations by the Registrar of Deeds, embraced all transactions at the Deeds Registry. The present concern relates not to the majority of transactions attracting a simple set service charge, but rather to those charges for advertisement checking and certifying of transports, mortgages, leases and transfers of leases which have and have always had an ad valorem basis. I submit that these were unwittingly subjected to inordinate increase.

Up to the day before the 16 July 1992, the fee payable to the Registrar under Item 1 of the Schedule in respect of transports was \$4.00 per \$1000 of value, i.e. 4/10 of one per cent where the purchase price or value was over \$10,000, - ad infinitum. This fee has now been raised to 1% (one percent) of price/value. Additionally, such transport attracts an ad valorem duty of 2% (two percent). It may be argued that the element of escalation in the price/value of property conveyed inherently provides for the increased administrative costs of advertisement, certification of titles, etc because of the ad valorem basis of collection of both fees and duty. If any increase in the fee were appropriate, it might have been restricted to  $\frac{1}{2}$  of 1%. The real concern, however applies to the items, namely mortgages under the Deeds Registry Act and transfers under the Land Registry Act.

Mortgages under the Deeds Registry Act

Before the coming into operation of the recent fee structure, the fee chargeable by the Registrar of Deeds on a mortgage was 1/10 of 1% (plus \$9.00) with an ad valorem duty of \$1.20 per \$1000.00 or 12/100 of 1%, e.g.

<u>Mortgage Loan</u>	<u>Registrar's Fee</u>	<u>Ad Valorem Duty</u>
\$1,000,000	\$1,009.00	\$1,200
The fee/duty since 16 July 1992 would now be:		
\$1,000,000	\$10,000	\$1,200

In other words, the fee on a mortgage is now 1% of the loan or ten times the old fee. Significantly it is now the same as that for a transport. It has been a hallowed principle that the alienation of property by sale or transfer would attract a higher rate of fee and duty - as exemplified in the old scale - than a mere hypothecation/mortgage of that property. The new scale now burdens the borrower with the same fee as would apply if the property were being disposed of. This, I submit, is an unfair and, I believe, unintended hardship upon a prospective mortgagor whose outlay in fees would constitute an unnecessary and intolerable burden. This would be seen to have merit when one considers the average householder seeking to build or repair a home at the current inflationary values where a mortgage of \$1,500,000 would subject him to the following outlay:-

<u>Registrar's Fee</u>	<u>Ad Valorem Duty</u>
\$15,000	\$1,800.00

It is submitted, as earlier indicated, that the natural element of price/value escalation combined with the ad valorem basis of collection of fees would provide a fee sufficient to abide the cost of Official Gazette advertisement and the administrative costs of the Registrar. If, however, it still appears necessary for the fee to be raised, I respectfully recommend that a fee of  $\frac{1}{4}$  of 1% would be more appropriate.

Land Registry Transfers

Upon the introduction of the system of Land Registration into Guyana in 1959 by the Land Registry Act, the main features advertised were the geographical accuracy of holdings through

up-to-date land surveys, guaranteed titles supported by an Assurance Fund and a cheap method of land transactions. This last element was enshrined in the Second Schedule of Fees in the said Act and is exemplified by a comparison with those chargeable at that time under the Deeds Registry Act for the same value/price of land:-

<u>Value/Price</u>	<u>Deeds Registry Transport/Mortgage</u>	<u>Land Registry Transfer/Mortgage</u>
\$100,000	\$410.00/\$109.00	\$204.00/\$57.00
	(Contribution to Assurance Fund	\$100.00)

By the Land Registry (Fees) (Amendment) Order 1992 which came into effect on 28th July 1992, the fees on a transfer of property were multiplied twenty fold and now compare with the new transport fees as follows:-

<u>Value/Price</u>	<u>Transport</u>	<u>Transfer</u>	<u>Assurance Fund</u>
\$500,000	\$5,000.00	\$20,020	\$500.00
(Former fee -	2010	1,004	\$500.00)

This, I respectfully contend, illustrates a blatant slip of the pen which now operates to make the "cheap" Land Registry Fee 4% of ad valorem value, four times as much as the new transport fee and twenty times its former level. It should also be noted that the Land Registry transaction does not have to be advertised in the Official Gazette, somehow lessening the argument for an increase. I suggest that here, the recommender or draughtsman failed for a brief moment to recognize that he was imposing an ad valorem as distinct from standard fee and so produced what is a patently unconscionable result..

Less unhappily, the fee on a Land Registry mortgage which had been quite moderate has now been multiplied only four-fold producing the following results:-

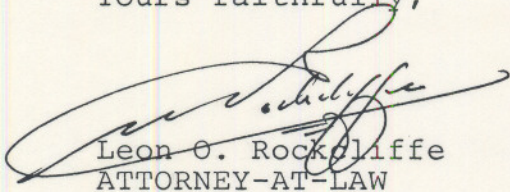
<u>Mortgage Loan</u>	<u>Old Fee</u>	<u>New Fee</u>
\$5,000,000	\$257.00	\$1,038.00

Although on the basis of the above observations it may be seen fitting to re-visit the regime of fees as they relate to the categories first captioned above, may I urge in the strongest possible terms that the fees in relation to Mortgages under the

Deeds Registry Act and Transfers under the Land Registry Act cry out for immediate reduction in order to bring them to a level that would alleviate the apprehended hardship to the individual parties while doing no violence to the Revenue.

I trust that in addressing this matter with the requisite pre-budget urgency, you would appreciate my copying this text to the officers listed below with whom you would surely wish to consult in quest of a solution.

Yours faithfully,



Leon O. Rockcliffe  
ATTORNEY-AT-LAW

cc: Hon. Attorney General  
President, Guyana Bar Association  
Registrar of Deeds/Lands