



LAND REGISTRY ACT
CHAPTER 5:02

Act
18 of 1959
Amended by
1 of 1972

Current Authorised Pages

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CHAPTER 5:02

LAND REGISTRY ACT

18 of 1959

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

[4TH JANUARY, 1960— Throughout Guyana.

Sections 1 to 37 inclusive and
47 to 164 inclusive.

*Sections 43 to 46 inclusive. In such portion of Guyana as is
from time to time designated a
registration area.]

* See also O. 24/1968 [p. 67 below] applying section 43 to specified areas.

PART I

PRELIMINARY

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

Short title
and com-
mencement.

(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.

2. (1) In this Act—

Interpretation.

“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.

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 *à 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 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. c. 5:01

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. Objects of Act.

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

5. No land once subject to the provisions of this Act shall be withdrawn therefrom. Land not to be withdrawn.

PART II

ADMINISTRATION

6. (1) For the purposes of this Act, the Minister may by order— Land registration districts.

- (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.

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. Registrar of Lands and other officers.

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

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(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

COMMISSIONERS OF TITLE

Appointment
of Commis-
sioners of Title.

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

12. (1) No person shall be appointed a Commissioner unless he is a barrister or solicitor of not less than five years standing.

Qualification for appointment of Commissioners.

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

(3) For the purposes of this section—

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

“solicitor” means any person who has been admitted as a solicitor or law agent of any superior court of the Commonwealth.

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

Commissioner's oath.

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

Land Court.

(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.

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.

Jurisdiction and powers of Commissioners.

(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.

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

Practice and procedure of the Land Court.

(2) The Minister may appoint a committee consisting of one or more Commissioners, a practising barrister and a practising solicitor to make rules of court.