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C BILLS —NIL

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TUESDAY, 28TH JULY, 1992

THE OFFICIAL GAZETTE 28TH JULY, 1992
LEGAL SUPPLEMENT - B

GUYANA

No. 31 of 1992

ORDER

Made Under

THE LAND REGISTRY ACT

(Cap. 5:02)

IN EXERCISE OF THE POWERS CONFERRED UPON THE MINISTER BY SECTION 161(2) OF THE LAND REGISTRY ACT, I HEREBY MAKE THE FOLLOWING ORDER:—

1. This Order, which amends the Second Schedule to the Land Registry Act, may be cited as the Land Registry (Fees) (Amendment) Order 1992.

Citation.

2. The Second Schedule to the Act is hereby amended as follows

Amend-
ment of
Second
Schedule to
the Act.

(a) in item 1, by the substitution for the words "5 00", "2 50", "1 00" and "50" of the words "20 00", "10 00", "4 00" and "2 00", respectively;

(b) in item 3,—

(i) in paragraph (a), by the substitution for the words "5 00" and "1 00" of the words "40 00" and "20 00", respectively;

- (ii) in paragraph (b), by the substitution for the words "5 00" of the words "100 00";
- (iii) in paragraph (c), by the substitution for the words "5 00", "50" and "25" of the words "20 00", "2 00" and "1 00", respectively;
- (iv) in paragraph (d), by the substitution for the words "1 00", "2 00" and "5 00" of the words "5 00", "10 00" and "20 00", respectively;
- (v) in paragraph (e), by the substitution for the words "3 00" of the words "20 00";
- (vi) in paragraph (f), by the substitution for the words "2 00" and "5 00" of the words "10 00" and "20 00", respectively;
- (vii) in paragraph (g), by the substitution for the words "5 00" of the words "30 00";
- (viii) in paragraph (i), by the substitution for the words "5 00" and "1 00" of the words "20 00" and "5 00", respectively;
- (ix) in paragraph (j), by the substitution for the words "1 00" of the words "5 00";
- (c) in item 4, by the substitution for the words "2 50" of the words "20 00";
- (d) in item 6, by the substitution for the words "1 00" of the words "5 00";
- (e) in item 7, —
 - (i) in paragraph (a), by the substitution for the words "5 00" and "10 00" of the words "30 00" and "30 00", respectively;
 - (ii) in paragraph (b), by the substitution for the words "5 00" and "2 50" of the words "25 00" and "25 00", respectively;
 - (iii) in paragraph (c) by the substitution for the words "2 50" of the words "25 00";

- (f) in item 8, —
- (i) in paragraph (b), by the substitution for the words "2 50" of the words "10 00";
 - (ii) in paragraph (c), by the substitution for the words "25" and "10" of the words "10 00" and "10 00";
 - (iii) in paragraph (d), by the substitution for the words "50" of the words "10 00"; and
- (g) in item 9, by the substitution for the words "10 00" of the words "1 00 00".

Made this 27th day of July, 1992.

Carl B. Greenidge,
Minister of Finance.

**THE OFFICIAL GAZETTE 15TH MAY, 1993
LEGAL SUPPLEMENT – B**

GUYANA

No. 7 of 1993

ORDER

Made Under

THE LAND REGISTRY ACT

(Cap. 5:02)

IN EXERCISE OF THE POWERS CONFERRED UPON THE MINISTER BY SECTION 161 (2) OF THE LAND REGISTRY ACT, I HEREBY MAKE THE FOLLOWING ORDER:—

1. This Order, which amends the Second Schedule to the Land Registry Act, may be cited as the Land Registry (Fees) (Amendment) Order 1993.

Citation.

2. Item 3 of the Second Schedule to the Act is hereby amended as follows —

Amendment
of Second
Schedule to
the Act.

(i) in paragraph (a), by the substitution for the words appearing before the proviso of the following words —

“(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.”;

(ii) in paragraph (c), by the substitution for the words appearing before the proviso of the following words —

“(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.”.

Made this 16th day of April, 1993.

Asgar Ally,
Minister of Finance.

LAWS OF GUYANA

DEEDS REGISTRY ACT
CHAPTER 5:01

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	17 of 1919	
	Amended by	
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44 of 1929	14 of 1938	24 of 1969
2 of 1931	32 of 1956	22 of 1970
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Deeds Registry

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**Note
on
Repeal**
This Act repealed Ordinance (7 of 1913).

CHAPTER 5:01

DEEDS REGISTRY ACT

ARRANGEMENT OF SECTIONS

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5. Appointment of acting officers.
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CHAPTER 5:01

DEEDS REGISTRY ACT

An Act to regulate the Office of the Registrar of Deeds of Guyana and to amend the law relating to the execution and registration of Transports, Mortgages and other Deeds.

[1ST JANUARY, 1920]

1929 Ed.
c. 177
1953 Ed.
c. 32
17 of 1919

Short title.

1. This Act may be cited as the Deeds Registry Act.

Interpretation.

2. In this Act—

“the Court” means the High Court or a judge thereof;

“deed” includes, not only instruments so called according to the common law, but also instruments known in Guyana as Acts, and bonds given under the Customs Act;

c. 82:01

“judicial sale transport” means a transport passed by the officer of the Court under section 27;

“registered incumbrances” means all mortgages and charges registered under this Act;

“registered interests” means and includes all liabilities, rights, interests, and special conditions, imposed or attached to immovable property by agreement or otherwise which have been registered under this Act;

“registered leases” means all leases registered under this Act;

“the Registrar” means the Registrar of Deeds;

“the registry” means the deeds registry;

“statutory claims” means unpaid charges or liens imposed by the laws of Guyana in favour of the State, unpaid rates, taxes or assessments imposed by or levied under the authority of any Act, and other liens or charges imposed by, or in pursuance of, or levied under any Act.

3. (1) A Registrar of Deeds, a Deputy Registrar of Deeds (herein-after called the Deputy Registrar) and the necessary number of notaries public, sworn clerks, assistant sworn clerks, clerks and other officers may be appointed for the staff of the registry:

Appointment
of officers.
[44 of 1929
16 of 1965]

Provided that no person shall be appointed a notary public or to act as a notary public and no person shall be appointed a sworn clerk until he has been examined by and obtained a certificate of competency from an examining board, consisting of the Attorney-General, the Registrar, and the State Solicitor or of any two of them, who are hereby empowered and required to hold an examination whenever necessary.

(2) The Registrar and the Deputy Registrar shall be deemed to be *ex officio* notaries public.

(3) Anything in subsection (1) to the contrary notwithstanding, a person who—

(a) is a barrister or solicitor and who within a period of five years prior to his qualifying as such has had at least one year's experience as an assistant sworn clerk in the deeds registry; or

(b) is a barrister or solicitor of not less than one year's standing,

may be appointed a notary public or sworn clerk for such time as he may hold a public office in the deeds registry.

(4) For the purposes of subsection (3)—

“barrister” means any person duly admitted to practise before the Supreme Court as a barrister;

“solicitor” means any person duly admitted to practise before the Supreme Court as a solicitor.

4. (1) Except where otherwise specially provided, the Deputy Registrar and each sworn clerk and notary public may lawfully do and perform, subject to the directions and instructions of the Registrar, all or any of the duties and services which the Registrar is

Duties of
officers of staff
generally.
[44 of 1929]

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Deeds Registry

authorised to do and perform by this Act or by any other Act now in force, and may lawfully demand and receive on behalf of the registry the fees in respect of those duties and services.

(2) Except where otherwise specially provided, each assistant sworn clerk may lawfully do and perform, subject to the directions and instructions of the Registrar, all and any of the duties and services mentioned in the First Schedule, in the same manner to all intents and purposes as if he were a sworn clerk and notary public, and may lawfully demand and receive on behalf of the registry the fees in respect of those duties and services.

(3) Each and every member of the staff shall likewise perform all duties, other than as sworn clerk or assistant sworn clerk, from time to time assigned to him by the Registrar.

5. During the temporary absences of the Registrar from the deeds registry for any cause the Deputy Registrar may do any act or thing which may lawfully be done by the Registrar.

6. During the temporary absences of the Registrar from the deeds registry an officer being a first class clerk, sworn clerk and notary public may do any act or thing which may lawfully be done by the Registrar:

Provided that this section shall not authorise the officer

(a) to pass or execute any transport, mortgage, cancelment of mortgage, lease or other document which may be passed and executed by the Registrar, or

(b) to do any act or thing which the Registrar may in writing from time to time direct shall not be done by an officer aforesaid.

7. The registry shall be under the charge of the Registrar, whose duties, subject to the special provisions of this Act and the rules made under it or of any other law, shall be—

(a) to take charge of and preserve the records of the Registrar of the Supreme Court as constituted by Act, including all the records of the conveyancing branch, but not the judicial records of the Court;

(b) to examine, certify, and register conveyances or transports and leases of immovable property, and of any other property the transfer of which is required by the law of Guyana to be made under this Act, and to register declarations of title granted by the Court;

First Schedule.

Appointment of acting officers. [44 of 1929]

When Registrar is temporarily absent from the deeds registry, a first class clerk shall have the duties and powers of the Registrar. [11 of 1934]

Duties of the Registrar.

(c) to examine, certify, and register mortgage bonds hypothecating immovable or other property aforesaid, and any transfer or cancellation thereof;

(d) to examine and check and to satisfy himself as to the sufficiency of, all titles tendered in support of any conveyance or transport, transfer, mortgage, lease, or any other transaction provided for in this Act;

(e) to examine all descriptions of property dealt with (descriptions which shall be definitely and clearly set out, especially with regard to locality, boundaries, area, and conditions or limitations attached thereto, and have reference, if the Court or the Registrar so requires, to a diagram or chart thereof on record in the Lands Department or in the registry), and to do everything necessary to obtain a full and complete identification of the property or rights therein forming the subject of the transaction;

(f) to register or record contracts, notarial bonds, notarial or other deeds, donations, security bonds, substitutions, renunciations, deliberations, inventories, powers of attorney, protests, leases, and cessions and assignments thereof, charts, and diagrams, and all other documents which he accepts as proper for registration or record;

(g) on the consent of the parties concerned, to cancel in whole or in part, any registered bond, deed, or document, other than a transport, lease, or mortgage, or to release from the operation of the bond the whole or any part of the property or things thereby specially hypothecated or bound;

(h) to register or record cessions or assignments of any mortgage bond;

(i) to register, annotate, or record against any property registered in the registry, any lease, servitude, or incumbrance contained in any State title, or in a transport, or other duly recorded deed, or authorised by order of the Court;

(j) to make all endorsements and annotations on any registered title or other deed or instrument filed as of record in the registry necessary to give the effect to registration thereof;

(k) to keep all registers, including land and mortgage registers, requisite for the due performance by him of any of his duties aforesaid and for the establishment of an efficient system of registration calculated to furnish security of title and an easy reference thereto;

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Deeds Registry

(l) to keep a register of all orders of court served upon him affecting the transfer of rights registered in the registry;

(m) to make a weekly return to the Commissioner of Lands of all transports, mortgages, or leases, of lands held under title from the State, passed under this Act;

(n) to permit members of the public, upon payment of the prescribed fees, to have any inspection of records and to obtain from the registry any copies of and information concerning them allowed by law, or rule, or regulation under this Act;

(o) generally, to exercise all powers and discharge all duties, including the drawing of any instrument or document aforementioned or any other document, by law and custom exercised by and required of and from the Registrar of the Supreme Court.

8. The books of registers or records heretofore and at present existing in the office of the Registrar of the Supreme Court or any branch thereof shall be considered and taken to be, as they are hereby declared to be, valid and legal records, and all authenticated copies thereof, or extracts therefrom, shall be taken and received in the courts of Guyana as *prima facie* evidence, which, if not rebutted, shall be as good evidence as the originals of which those records purport to be records.

9. (1) The Chancellor may from time to time make rules and regulations for the good order and management of the registry, for the carrying into effect the object for which it is established, and generally for its working and the preservation of the records therein, and more especially to prescribe—

(a) the method whereby transports, titles, transfers, and other deeds, diagrams, charts, and documents required to be registered or preserved of record, or used in the registry, shall be prepared, passed and executed;

(b) the manner and form in which any information required by law to be furnished to the Registrar shall be recorded or noted in the registry;

(c) the conditions under which copies of lost or damaged transports, deeds, bonds, or other documents may be issued;

(d) the manner and form in which consent to the cancellation of bonds or other deeds shall be signified;

but no rules and regulations made under this section shall be of any force or effect unless and until they are published in the *Gazette*

Validity of
existing
records.

Rules and
regulations.
[2 of 1931]