

JAMAICA

No. 5 – 2020

I assent,

[L.S.]

Sgd. P. L. Allen
Governor-General.

9th day of June 2020

AN ACT to Amend the Registration of Titles Act; and for connected matters.

[*9th June 2020*]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Registration of Titles (Amendment) Act, 2020, and shall be read and construed as one with the Registration of Titles Act, (hereinafter referred to as the principal Act) and all amendments thereto.

Short title and construction.

2. Section 3 of the principal Act is amended by inserting in the correct alphabetical sequence the following—

Amendment of section 3 of principal Act.

“ “Adjudication Certificate” has the meaning assigned to it under section 2 of the Registration of Titles Cadastral Mapping and Tenure Clarification (Special Provisions) Act;

“Adjudication Committee” has the meaning assigned to it under section 2 of the Registration of Titles Cadastral Mapping and Tenure Clarification (Special Provisions) Act.”.

Amendment of section 15 of principal Act.

3. Section 15 of the principal Act is amended by inserting next after paragraph (c) the following—

“ (d) He shall lodge a Caveat—

- (i) to protect a declaration of trust;
- (ii) to protect a charge for outstanding property taxes payable in respect of the land that is the subject of an application made pursuant to section 28A(1)(b).”.

Insertion of new sections 28A and 28B in principal Act.

4. The principal Act is amended by inserting next after section 28, the following—

“ *Registration of Land without Reference to the Referee of Titles Pursuant to Facilities for Titles Act and Registration of Titles Cadastral Mapping and Tenure Clarification (Special Provisions) Act*

Registration of land without reference to Referee of Titles.

28A.—(1) An application may be made to register land under this Act without reference to the Referee of Titles—

(a) where a Certificate of Compliance is issued under the Facilities for Titles Act for a parcel of land—

- (i) and the applicant is the person named in the Certificate of Compliance; or
- (ii) where the applicant is the personal representative of the person named in the Certificate of Compliance,

or any person claiming through him.

(b) where an Adjudication Certificate is issued under the Registration of Titles, Cadastral

Mapping and Tenure Clarification (Special Provisions) Act, by the Director of Adjudication Services or the Adjudication Committee, directing that an absolute or qualified title shall be issued by the Registrar; or

- (c) where made pursuant to a Court order under which the court has determined ownership.

(2) Upon receipt of an application under subsection (1)(a) and (c), the Registrar of Titles shall—

- (a) serve notice of such application via registered post on adjoining owners and on the registered owners as the case may be; and
- (b) direct the applicant to advertise the notice of an application made under this section in a newspaper in daily circulation throughout Jamaica, once per week for two consecutive weeks.

(3) Notwithstanding a direction under subsection (1)(b), the Registrar shall determine the terms and conditions under which a qualified title may be converted to an absolute title.

(4) The Registrar may issue a title pursuant to subsection (1)(a)(i) and (ii) and (c) on the expiration of twenty-one days from the date of the last advertisement under section 2(b), where the requirement under that subsection is met.

*Registration Pursuant to the Adjudication
Process under the Registration of Titles
Cadastral Mapping and Tenure
Clarification (Special Provisions) Act*

Documents
to be
submitted
pursuant to
section 28A.

28B.—(1) The Registrar shall determine the documents to be submitted in support of an application made pursuant to section 28A.

(2) The documents to be submitted under subsection (1) includes—

- (a) an application form for first registration;
- (b) the certificate of compliance, original court order or adjudication certificate;
- (c) the survey plan (with a surveyor's declaration if the survey plan is over seven years old);
- (d) proof of payment of property tax after notice of the payment is advertised in a daily newspaper in wide circulation in Jamaica;
- (e) proof of advertisement if required; and
- (f) such other documents as may be required by the Registrar.

(3) Sections 29, 31, 33, 34, 36, 37, 86 and 87, shall not apply to section 28A.

(4) Where an applicant has directed that a certificate of title is to be issued in the name of a nominee, the Registrar shall at the direction of the applicant and consent of the nominee, issue the certificate of title to such person named in such direction and consent, which direction and consent shall be subject to the stamp duties prescribed in section 174.”.

Amendment
of section 29
of principal
Act.

5. Section 29 of the principal Act is amended by—

- (a) renumbering the section as section 29(1);
- (b) deleting from subsection (1) as renumbered, the words “and by a certificate from the proper officer that all quit rents and property tax affecting the land have been paid up to the date of the application”;
- (c) inserting next after subsection (1) as renumbered the following—

“ (2) Where provisional approval is granted, the applicant shall provide proof that all quit rents and

property tax affecting the land, have been paid up to the date of the grant of provisional approval.”:

6. Section 54 of the principal Act is repealed and replaced by the following—

Repealing and replacing section 54

“Registration by plan of registered land.

54.—(1) Upon submission of an application to re-register lands comprised in a certificate of title registered with reference to metes and bounds, the Registrar may amend the description of land from metes and bounds to a description referenced by a survey plan.

(2) The Registrar shall, on receipt of an application under this section proceed to issue a certificate of title without reference to the Referee of Titles.”.

7. The principal Act is amended by renumbering section 77 as section 77(1) and inserting next after subsection (1), as renumbered, the following—

Amendment of section 77 of principal Act.

“ (2) The Registrar shall cancel any existing certificate of title and re-issue a new certificate of title in accordance with the cadastral plan, where boundaries have been acquiesced under subsection 45(2) of the Limitations of Actions Act, without any requirement for the registration of an instrument of transfer or an application pursuant to subsection (1).”.

8. The principal Act is amended by inserting next after section 87, the following as section 87A—

Insertion of new section 87A in principal

“Application pursuant to adverse possession claims to include a direction to issue certificate of title in name of nominee.

87A. An applicant may direct that a certificate of title be issued in the name of a nominee, and the Registrar shall at such direction and with the consent of the nominee, issue the certificate of title to such person as shall be named in such direction and consent, and which direction and consent shall be liable to all applicable taxes.”.

Amendment
of section
126 of
principal Act.

9. Section 126 of the principal Act is amended by deleting the words “for the purpose of selling the same in allotments.”.

Amendment
of section
155 of
principal Act.

10. Section 155 of the principal Act is amended by renumbering the section as section 155(1), and inserting next after subsection (1) as renumbered, the following—

“ (2) Where a portion of the purchase price has not been paid, the purchaser or any person claiming through him, may pay the remaining portion to the Accountant General in trust for the vendor or any person entitled thereto, and any receipt issued by the Accountant General in relation thereto, shall be proof of payment of such moneys”.

(3) The Accountant General shall invest the monies received pursuant to subsection (2), in the same manner prescribed under section 123.

(4) Where any of the balance of the purchase money is outstanding as a result of an agreement in the memorandum of sale that such amount shall be retained, then proof of payment of that amount shall not be required to be submitted to the Registrar.

(5) Where a purchaser or any person claiming through the purchaser has paid the outstanding balance of the purchase monies as required under subsection (2), the purchaser or person claiming through the purchaser shall be entitled to apply to the Registrar upon proof of such payment and the Registrar shall direct the purchaser or any person claiming through him to advertise in the form prescribed by the Registrar in a newspaper in daily circulation throughout Jamaica, once per week for two consecutive weeks.

(6) The purchaser or any person claiming through the purchaser may apply for the Vesting Order, upon the expiration of six weeks after the first advertisement of the notice referred to under subsection (5) is published.”.

Amendment
of section
178 of
principal Act.

11. Section 178 of principal Act is amended by deleting all the words appearing after the words “to be registered,” and substituting therefor the words “such person commits an offence and shall on conviction before a Parish Judge, be liable to a fine not exceeding one

million dollars and in default of payment thereof, to imprisonment for a term not exceeding six months and any certificate of title entry, erasure or alteration so procured or made by fraud shall be void as against all parties or privies to such fraud.”.

12. The principal Act is amended by inserting next after section 178, the following as section 178A—

“Minister may amend penalty or fine by order. 178A. The Minister may by order, subject to affirmative resolution, amend any penalty or fine imposed under this Act.”.

Insertion of new section 178A in principal Act.

13. The principal Act is amended in the Eighteenth Schedule by inserting next after item “Fee No. 8”, the following—

“Fee No. 8A On the lodging for the registration by plat or diagram \$15,000.00”.

Amendment to Eighteenth Schedule of principal Act.

14. Section 45 of the Limitation of Actions Act is amended by—

- (a) renumbering the section as section 45(1);
- (b) inserting next after subsection (1) as renumbered the following—

Consequential amendment to Limitation of Actions Act.

“ (2) Where boundaries are adjudicated upon pursuant to a systematic registration under the Registration of Titles Cadastral Mapping and Tenure Clarification (Special Provisions) Act, the boundaries shall be deemed to be acquiesced, notwithstanding any enactment to the contrary and provided the parties affected do not object to same.”.

Passed in the House of Representatives this 28th day of April, 2020.

FRANKLIN WITTER
Deputy Speaker.

Passed in the Senate this 15th day of May, 2020 with four (4) amendments.

THOMAS TAVARES-FINSON, CD, QC, JP
President.

On the 27th day of May, 2020 the House of Representatives agreed to the amendments made by the Senate.

PEARNEL P. CHARLES, CD, MP, JP

Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Sgd. Heather E. Coske
Clerk to the Houses of Parliament.