

LAND REGISTRY RULES

ARRANGEMENT OF RULES

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(c) he shall make or cause to be made a sketch of the land demarcated as aforesaid and shall see that each separate plot of land is distinguished on the sketch by a number, letter or otherwise;

(d) he shall prepare a list showing in respect of each and every plot of land the name of the reputed owner or owners, if any, and of any other claimants thereto or to any mortgage, charge, lease or lien thereon;

(e) if he becomes aware of any dispute as to the ownership of any land or the position of any boundary he shall report to the Commissioner the nature of the dispute and the names of the parties thereto, so far as these are known to him;

(f) in the list aforesaid he shall enter the State as the owner of all unclaimed land.

6. (1) Sketches and lists prepared by the surveyor shall be submitted to the Commissioner from time to time as may be convenient. Preliminary sketches and lists.

(2) In preparing the sketches and lists the surveyor shall, subject to the general direction of the Commissioner, take into consideration the powers of the Commissioner under section 25 (1) and shall, on submitting the sketches and lists, make to the Commissioner such recommendations as may to him seem fit.

7. (1) When the Commissioner has made an award in respect of any parcel, he shall notify the surveyor accordingly who shall thereupon make a survey of the boundaries of the parcel. Notification of Commissioner's award.

(2) The Commissioner on making any award may direct that the boundaries of any parcel as shown in the sketch be altered in such manner as he may consider just, and the surveyor shall alter the boundaries accordingly.

8. (1) When all the parcels in a block have been surveyed the surveyor shall prepare an index map of the block and file the same as of record with the Commissioner of Lands. The index map.

(2) In preparing the index map the surveyor shall allot definitive parcel-numbers to all parcels and shall notify the Commissioner of the numbers allotted.

(3) Where in any land settlement scheme two or more lots or areas of land together form a single holding and are the subject of a single lease the terms of which provide that the land comprised in the holding shall not be capable of sub-division or separation, then such lots or areas may be treated as a single parcel.

(4) Every declaration or record or title made by the Commissioner shall describe the land by reference to its parcel-number.

(5) The index map shall be kept by the Commissioner of Lands, and a copy thereof shall be kept in the Land Registry.

(6) No alteration to the index map shall be made except in accordance with the provisions of these Rules. When any alteration to the index map is made, the copy kept in the land registry shall be brought up to date by the Commissioner of Lands.

Blocks and zones.

9. (1) The Commissioner of Lands shall determine the boundaries of blocks and the scales to be used in the preparation of plans.

(2) Blocks shall not be laid out in a regular grid but their boundaries shall be determined in relation to natural features, artificial works or existing boundaries, so far as these exist, and in other cases shall be drawn as may be convenient.

(3) Blocks shall be grouped into zones, the limits of which shall be determined by large-scale natural features or administrative boundaries. Each zone shall be given a distinctive name, but the names of estates or plantations shall not be used as part of the name of any zone.

(4) The blocks in each zone shall be numbered consecutively in as regular an order as circumstances permit.

Plans other than recorded plans.

10. No registration shall be made under the proviso to section 53 except in the case of—

(a) a lease for a period of less than twenty-one years; or

(b) a dealing which affects an exact and specified half or third or quarter of a rectangular parcel which is itself delineated on a recorded plan.

Applications for mutation.

11. (1) The registered proprietor of any parcel may apply to the Registrar for the parcel to be subdivided by mutation and the registered proprietors of adjacent parcels may apply to the Registrar for the boundary between their parcels to be altered, or for their land to be reparcelled, by mutation.

(2) Every application made as aforesaid shall be accompanied by—

(a) a diagram on plan showing the manner in which it is desired that the parcel be subdivided or the boundary altered or the land reparcelled;

(b) the approval of the subdivision, alteration or reparation by any authority whose approval may be necessary; and

(c) a statement of the names and addresses of the persons who are to be present on the ground at the survey.

12. (1) In any case—

Procedure on mutation.

(a) where the Registrar is satisfied that there is no objection to any mutation for which application has been made under the last preceding rule; or

(b) where in accordance with any Act any land becomes vested in the State or in any person and the Registrar is satisfied that it is necessary to make a mutation of any parcel or parcels of land in order to give effect to such vesting,

the Registrar shall annotate upon the folio of each parcel affected the words "Mutation No. pending" and shall send to the Commissioner of Lands a requisition to alter the index map.

(2) The Commissioner of Lands shall thereupon cause to be made such surveys as may be necessary and shall record the result thereof on the requisition. He may accept a plan prepared by a sworn land surveyor, provided that the plan shows all the boundaries of the parcel or parcels affected by the mutation and is drawn on the same scale as the index map on which such parcels are shown. He shall allot numbers to all new parcels and shall enter the numbers and areas of such parcels on the requisition and shall return it to the Registrar together with a copy of the plan of the mutation.

(3) The Registrar shall thereupon register the mutation by removing from the register the folios of all old parcels and inserting folios for the new parcels and entering thereon such memorials as may be necessary. He shall then return the requisition to the Commissioner of Lands with a statement that the mutation has been entered in the register and the Commissioner of Lands shall thereupon make the necessary alterations to the index map and shall inform the Registrar when this has been done.

13. In allotting numbers to new parcels the Commissioner of Lands shall take up the next unused numbers in the registration block. The numbers of the old parcels shall go out of use and shall not be used again.

Allotment of new parcel-numbers.

14. Where in the course of a mutation any land is transferred from one parcel to another, the fact that the area of land so transferred is smaller than the minimum area permitted to be held as separate parcel shall not of itself be an objection to the transfer.

Transfer of small areas.

Form of register. First Schedule.

15. The register of each parcel shall be a folio in the form set out in the First Schedule. Folios shall be kept in loose leaf binders in consecutive order or parcel numbers.

Form of memorials.

16. Memorials of registered interests shall be set out in the manner following:

(A) Easements and Restrictive Covenants

Where the description of any easement or restrictive covenant as set out in the instrument creating the same is so short that it may conveniently be entered verbatim in the folio, it may be so entered. In every other case the memorial shall be in the form:

“the land enjoys the benefit (is subject to the burden) of the easement (restrictive covenant) set out in Instrument No. over (against, in favour of) parcel No.”.

In no case shall the terms of any easement or restrictive covenant be summarised.

(B) Proprietorship

(a) A memorial of proprietorship shall consist of the name and address of the proprietor, together with the number of the instrument under which he acquired title, the date of registration, and a statement of how title was acquired;

(b) where upon first registration the title registered is an absolute title, no reference shall be made to the fact;

(c) where upon first registration the title registered is a provisional title there shall be written in red ink beneath the name of the proprietor the words: “Provisional title subject to the qualification set out in Declaration No.”;

(d) where any land held under a provisional title is transferred or transmitted, there shall be written in red ink under the name of the new proprietor the words: “Provisional title as above”;

(e) where any provisional title is converted to an absolute title, all reference to the provisional title shall be struck out and a memorial of the conversion shall be entered under “Proprietorship” in the form: “Converted to absolute title”;

(f) on an award of absolute title made under section 49, all references to the provisional title shall be struck out.

(C) Encumbrances

Memorials of encumbrances shall be in the forms set out in the Second Schedule or (subject to the direction of the Registrar) as near thereto as the circumstances of the case permit.

Second
Schedule.

17. (1) Every instrument presented for registration shall be clearly written, typed or printed on good quality foolscap paper. Alterations and interlineations shall be avoided as far as possible, but if unavoidable, they shall be initialled by the parties to the instrument.

Provision as
to instruments.

(2) Where an instrument is executed in duplicate the word "Original" shall be written on one copy and the word "Duplicate" on the other. A duplicate instrument may be a typewritten carbon copy of the original, but no carbon copy shall be accepted for registration as an original.

(3) Where an instrument is executed in duplicate, any endorsement required by the Act or by these Rules to be made thereon shall also be made on the duplicate.

18. Where the consent or agreement of any person is required before the registration of any instrument, that consent or agreement shall if possible be endorsed on the instrument itself. If not so endorsed, the consent or agreement shall be filed and a note thereof shall be made by the Registrar on the instrument.

Endorsement
of consent on
agreement.

19. No instrument shall be presented for registration unless accompanied by the fees payable in respect thereof.

Presentation
of an instru-
ment to be
accompanied
by fees.

20. No instrument once presented may thereafter be taken out of the land registry except under the provisions of rule 24. If under these Rules any error or omission in an instrument is corrected, the correction will be made in the land registry in the presence of the Registrar or of any officer of the land registry authorised by him for the purpose.

Instruments
not to be
taken out of
land registry.

21. An instrument that is found to be in order on presentation shall be registered and thereafter shall not be withdrawn either by the presenter or by any other person.

Registration
of instrument.

22. If any instrument presented is found not to be in order by reason of any formal error or omission which, in the opinion of the Registrar, does not affect the substance of the dealing to be made and is capable of correction, or if the Registrar requires further proof of

Correction of
instruments
and further
proof.

any fact or matter set forth in any instrument presented, the Registrar may cause to be served on the presenter notice in writing requiring him to correct the error or omission or to produce further proof in such manner as the Registrar may prescribe. If the presenter fails to comply with the requisition within fourteen days of service the application for registration shall be treated as abandoned:

Provided that the Registrar may for reasons which appear to him sufficient enlarge the time during which any error or omission may be corrected or further proof produced.

Refusal of registration.

23. If any instrument presented is found not to be in order for any reason other than those set out in rule 22, registration shall be refused.

Procedure on abandonment or refusal of registration.

24. Where the Registrar treats any application as abandoned or refuses to register any instrument presented, he shall cause notice thereof to be served on the parties to the instrument. No requisition made under section 145 requiring the Registrar to state the reasons for his decision shall be accepted by the Registrar after the expiry of fourteen days from the service of the notice. On the expiry of fourteen days as aforesaid, or, in case an appeal is brought, on dismissal of the appeal, the Registrar shall mark the instrument "treated as abandoned" or "registration refused", as the case may be, and shall return it together with all documents in support to the person who would have benefited by the proposed dealing.

Removal of folios from register.

25. No folio shall be removed from the registrar except

(a) where a parcel has ceased to exist as the result of a mutation;

or

(b) where there is no space on a folio for further entries;

in the latter case a new edition of the folio shall be prepared containing only living entries.

Disposal of spent folios and instruments.

26. Folios removed from the register and spent instruments shall not be destroyed but shall be kept in the land registry archives until their disposal is authorised by rules made under the Act.

Checking of certificates of title.

27. The holder of a certificate of title may present the same to the Registrar for checking. Upon such presentation the Registrar shall enter upon the certificate particulars of any matters that may require entry thereon, and if there are no such matters he shall enter the word "checked" together with the time and date. No fee shall be charged for checking a certificate.

LAWS OF GUYANA

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Land Registry Rules

[Subsidiary]

28. (1) Any person who applies to inspect the register shall specify the parcel-number of the folio that he wishes to inspect, and on payment of the prescribed fee the place shall be found and the folio shown to him by an officer of the land registry. Inspection of the register.

(2) No person other than an officer of the land registry shall be entitled to inspect any of the records of the land registry, except the registrar.

29. An order staying registration made by the Registrar under section 142 shall cease to be of effect at the expiry of fourteen days after the date of the order. Stay of registration.

30. Any application, counter-application or notice of objection made under section 107 in respect of any claim to title by adverse possession shall be in the form set out in the Third Schedule. Claims by adverse possession. Third Schedule.

FIRST SCHEDULE

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FORM OF REGISTER

A. PROPERTY

	Zone	Block	Parcel
Origin of Parcel } First registration.			
} Mutation No.....		Area:	
Description of parcel			
Easements and restrictive covenants—			

B. PROPRIETORSHIP

No.	Date of Registration	Instrument Number	Name and Address of Proprietor	How acquired

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Land Registry

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Land Registry Rules

C. ENCUMBRANCES

No.	Date of Registration	Instrument Number	Particulars

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SECOND SCHEDULE

MEMORIALS OF ENCUMBRANCES

(1) MORTGAGES, CHARGES AND LIENS

- (a) First (second etc.) mortgage to A.B. for (dollars).
- (b) Charge of (dollars *per annum*) in favour of A.B. for (term).
- (c) Mortgage/charge No.....
 - (i) transferred to A.B.
 - (ii) transmitted to A.B.
 - (iii) terms and conditions varied.
 - (iv) amount increased/reduced to (dollars).
 - (v) postponed to mortgage/charge No.....
 - (vi) discharged by mortgagee/chargee.
 - (vii) discharged by Registrar.
- (d) Certificate deposited with A.B. to secure (dollars).

(2) LEASES

- (a) Lease to A.B. for (term) at (dollars *per annum*).
- (b) Lease No.....
 - (i) transferred to A.B.
 - (ii) transmitted to A.B.
 - (iii) terms and conditions varied
 - (iv) extended/reduced to (new term).

- (v) surrendered by lessee.
- (vi) determined by Registrar.

(3) JUDGMENTS AND WRITS

- (a) Judgment for (dollars) in favour of A.B.
- (b) Writ for (dollars) in favour of A.B.
- (c) Writ for (dollars) pursuant to Judgment No.....
- (d) Judgment/Writ No.....
 - (i) satisfied.
 - (ii) lapsed.
 - (iii) removed at request of creditor.

(4) LIMITATIONS

- (a) Restriction: proceeds of dealing to be paid to A.B.
- (b) Caveat: no dealing except after notice to A.B.
- (c) Caveat: all dealings subject to the claim of A.B.
- (d) * Prohibition: no dealing except on conditions prescribed by Registrar dated
- (e) Stay: no dealing before (date).

* If the wording of a prohibition is very brief, it may be set out verbatim, but in no circumstances shall a prohibition be summarised.

THIRD SCHEDULE

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FORM 1

APPLICATION FOR REGISTRATION OF TITLE BY
ADVERSE POSSESSION OF REGISTERED LAND

To the Commissioner of Title
through the Registrar of Lands.

I, E.F., hereby apply for the registration in my name of the registered land amounting to (area in acres or square feet) or thereabouts situate in (parcel-number) now registered in the name of A.B.

I claim to have acquired title to the above land by adverse possession, evidence of which is attached.

My address for service is (place).

Date.

Signature of applicant

NOTE

This application should be accompanied by—

(a) a statutory declaration giving—

(i) a history of the possession and occupation of the land, showing how and when and by what authority (if any) the claimant, or any person through whom he claims, first came into possession of the land and how the land has been possessed and occupied since that time;

(ii) the names of all persons now in occupation of the land and, in case the applicant himself is not himself in occupation, particulars of any right, agreement or other circumstance by virtue of which the land is now occupied;

(iii) the names of all adjacent landowners;

(iv) where the land appears in the register to be subject to any encumbrance, a statement whether or not the claimant admits such encumbrance, and if he does not admit it, a statement of his reasons therefor.

(b) any documents or other evidence relied on by the applicant in support of his application;

(c) a plan of the land claimed;

(d) a numbered list of all documents and plans submitted. The documents and plans should themselves be numbered to correspond with the list.

FORM 2

COUNTER-APPLICATION FOR REGISTRATION OF
TITLE BY ADVERSE POSSESSION OF REGISTERED
LAND

The Commissioner of Title
through the Registrar of Lands.

I, C.D., hereby apply for the registration in my name of the land (or part of the land) described in the application of E.F. in Notice No.: (number) published in the *Gazette* on (date) and situated in (parcel-number).

I claim to have acquired title to the land by adverse possession, evidence of which is attached.

My address for service is (place).

Date.

Signature of counter-applicant.

NOTE

This application should be accompanied by the same enclosures as those prescribed in Form 1.

FORM 3

OBJECTION TO APPLICATION FOR REGISTRATION
OF TITE BY ADVERSE POSSESSION

The Commissioner of Title
through the Registrar of Lands.

I, G.H., hereby object to the registration in the name of E.F. of the land (or part of the land) described in the application of the said E.F. in Notice No. (number) published in the *Gazette* on (date) and situated in (parcel-number).

The grounds of my objection are set out in the attached affidavit.

My address for service is (place).

Date.

Signature of applicant

NOTE

This application should be accompanied by an affidavit setting out the grounds of the objection.
