Deeds Registry.

## CHAPTER 32.

## DEEDS REGISTRY.

## (List of Subsidiary Legislation.)

1. Rules of Court: Business in the Deeds Registry.

2. Regulations: Fees.

# BUSINESS IN THE DEEDS REGISTRY. RULES OF COURT.

#### ARRANGEMENT OF RULES.

RULE.

### 1. Interpretation.

2. Notice of opposition.

- 3. Entry of opposition.
- 4. Separate statement of reasons for opposition.
- 5. Inclusive notice of opposition.
- 6. Service of notice of opposition.
- 7. Action to enforce opposition.
- 8. Opposition on money claim.
- 9. Amendment, etc., of reasons for opposition.
- 10. Costs of unnecessary action.
- 11. Abandonment of opposition. Order of court.
- 12. Meaning of "order" in section 22 of Ordinance.
- 13. Application under section 24 of Ordinance.
- 14. Application under sections 36 and 38 of Ordinance.
- 15. Short title.

SCHEDULE.

FORMS.

# BUSINESS IN THE DEEDS REGISTRY. RULES OF COURT

Rules of Court, 14th June, 1923. 27th March, 1939.

Interpretation. made by the Judges and approved by the Governor and Court of Policy on the 14th June, 1923, and amended on the 27th March, 1939.

1. (1) In these rules and the schedules hereto—

"the Registrar" means the Registrar of Deeds;

" the registry " means the deeds registry;

" registry of court " means the Supreme Court registry;

"conveyance" means and includes transport, and long lease as defined in section 14 of the Ordinance;

" proponent" means any person proposing, and advertising his proposal under these rules, to pass a conveyance or mortgage;

" opponent " means any person asserting a right to oppose the passing of a conveyance or mortgage;

"the Ordinance" means the Deeds Registry Ordinance.

(2) A section or rule referred to by number means the section or rule respectively so numbered in the Ordinance, or the rules contained in the second schedule thereto.

2. (1) An opponent may, at any time before the hour of Notice of twelve noon of the fourteenth day after the first advertisement Rules 27th of a conveyance or mortgage in the Gazette, enter opposition March, 1939. in the registry by filing a notice thereof, in the form, and Form 1. containing the particulars and requirements given, in the schedule hereto.

(2) No notice of opposition may be filed in the registry after the time by this rule limited for opposition, nor, except under the provisions of rule 4 of these rules, may any alteration, amendment, or addition be made therein or thereto after it is filed.

3. At or immediately after the time when a notice of opposi- Entry of tion is filed, the Registrar shall certify in the proper book against the property affected that opposition has been entered to the conveyance or conveyances, or mortgage or mortgages, to which the notice relates, and the time by these rules hereinafter limited for bringing an action pursuant to the notice shall commence to run from the date when the Registrar shall so certify, notwithstanding the provisions of the next following rule.

4. A notice of opposition may be filed without a statement Separate therein of the reasons for opposition, but in that case the of reasons opponent shall, within three days after filing the notice (of for opposiwhich a Sunday, if that day intervenes, shall count as one), file in the registry a statement of the reasons in the form given in the schedule hereto, and the Registrar shall immediately Schedule. thereupon certify in manner aforesaid that the opposition has been perfected.

5. Separate conveyances or mortgages of more than one Inclusive property by the same proponent may be opposed by one notice opposition. of opposition, if the opponent has a claim against the proponent

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opposition.

statement tion.

Form 2.

notice of

Cap. 32.]

personally and if the first advertisements of the intended conveyances or mortgages are published on the same day.

Service of notice of opposition.

Action to enforce opposition. 6. The opponent may, within three days after filing the notice of opposition, serve a copy thereof upon the proponent. If he shall not do so, the court may, in any action brought pursuant to the notice, disallow his costs (if any) of that action.

7. (1) Within ten days after the Registrar has certified as required by rule 3 of these rules, the opponent shall bring an action to restrain the conveyance or mortgage to which the notice of opposition relates, and if he has opposed by virtue of any claim in respect of which a right of action has then accrued to him, to enforce that claim also.

(2) If the right of action has accrued to the opponent after opposition entered, the court, if it be satisfied that the claim has been established, may give judgment accordingly.

Opposition on money claim. 8. (1) When a conveyance or mortgage is opposed for the reason that the proponent is indebted to the opponent in any sum of money, the proponent, upon lodging in the registry the amount of the alleged indebtedness and such additional amount as the Registrar may deem sufficient to abide the costs of any action pursuant to the opposition, may proceed to conveyance or mortgage as if no opposition had been entered.

(2) If judgment in the action be for the opponent, the Registrar, upon production to him of an office copy of the judgment, shall pay to the opponent so much of the amount lodged as is sufficient to cover the judgment and costs.

(3) If judgment in the action be for the proponent the Registrar, upon application by the proponent, shall refund to him the whole amount lodged.

Amendment, etc., of reasons for opposition. 9. (1) Unless by leave of the court, the opponent may not, in the action to be brought as aforesaid, allege in his statement of claim, or rely upon, any reason for opposition other than those contained in the statement thereof filed in the registry.

(2) An application to the court under this rule shall be made on summons in the action at any time after entry of appearance therein and before delivery of the statement of claim, but, unless the court shall otherwise order, the plaintiff shall deliver and file his statement of claim within the same time after appearance as is now limited for the purpose.

## Deeds Registry.

10. If several actions are brought in respect of several Costs of oppositions by the same opponent, the court may direct the action. plaintiff to pay the defendant's costs of any of those actions which, in the opinion of the court, were unnecessary, whatever their result may be.

11. If no action is brought in the manner and within the time Abandon-ment of by these rules prescribed and limited, the proponent may apply opposition. ex parte to the court for an order that the opposition be declared Order of abandoned, and, upon production by the applicant of a certificate of the Registrar that no action has been so brought, the court shall make the order and may therein deal with the costs of the proceedings in opposition as the court thinks just.

**12.** An order for cancellation of title to immovable property Meaning of " order " in or a transport in section 22 mentioned means an order obtained section 22 of in an action.

13. (1) Application to the court to amend a document under Application the provisions of section 24, shall be made by written memoran- 24 of dum thereof, and the applicant shall file the memorandum Ordinance. in the registry of court, together with the written consent or consents in the said section mentioned.

(2) If there be any interested person who refuses to consent to the amendment sought, the memorandum shall state his name and address and the Registrar shall give him notice of the hearing of the application.

14. (1) Application to the court under the provisions of Application sections 36 and 38 shall be made by originating motion supported by affidavit.

(2) Any person desiring to show cause against the application shall do so by counter-affidavit, and the applicant may file affidavits in reply thereto.

15. These rules may be cited as Rules of the Supreme Court Short title. (Deeds Registry).

under section

Ordinance.

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court.

under sections 36 and 38 of Ordinance.

#### SCHEDULE.

FORM 1.

#### NOTICE OF OPPOSITION.

To A.B. of (address and description)

and

To the Registrar of Deeds.

In the matter of the Deeds Registry Ordinance.\*

(a) transport or lease.

(State concisely reasons for opposition.)

(b) only if signed by opponent in person. (b) Signed in my presence, Registrar.

> Signature of opponent, or Signature of counsel or solicitor.

### FORM 2.

(If notice of opposition has been filed without a statement of reasons, proceed as in form 1 to asterisk, then as follows.)

(State concisely reasons for opposition.)

(Conclude as in form 1.)

### FEES.

#### ARRANGEMENT OF REGULATIONS.

REGULATION.

- 1. Short title.
- 2. Interpretation.
- 3. Fees to be charged. Payable in advance.
- 4. Allowance in respect of grosse or copy.
- 5. Refund of fees.
- 6. Value of property.
- 7. Method of valuation.
- 8. Noting encumbrances where more than one parcel of land proceeded against in village, or country or other districts.

#### SCHEDULE.

### FEES.

## REGULATIONS

made by the Governor in Council under section 45 on the 4th J January, 1933, and amended on the 18th September, 1934, and 1 13th September, 1938.

Regs., 4th Jan., 1933, 18th Sept., 1934, 13th Sept., 1938. Short title.

1. These regulations may be cited as the Deeds Registry Fees Regulations.

2. (1) In these regulations—

"the Registrar" means the Registrar of Deeds;

" the registry " means the deeds registry;

"the Ordinance" means the Deeds Registry Ordinance;

"item" means an item in the schedule hereto;

"a folio" means 120 words, every figure comprised in a column, or authorised to be used, being counted as one word;

"certified copy" means a copy of any document, whether made in the registry or not, which is certified and sealed as a true copy, but does not include a grosse;

"grosse" means the notarial copy of a transport, mortgage, or lease, or a transfer, assignment, or surrender thereof, in the form issued from the registry in accordance with the provisions of the rules in the second schedule to the Ordinance.

(2) A section referred to by number means the section so numbered in the Ordinance.

(3) A rule referred to by number means the rule so numbered in the rules contained in the second schedule to the Ordinance. B.G.-Vol. VII.-34

Interpretation. Fees to be charged. Payable in advance.

Allowance in respect of grosse or copy.

Refund of fees.

Value of property.

Cap 301.

**3.** (1) The fees specified in the schedule to these regulations shall be charged and taken in the registry and be recovered by the Registrar in respect of the various matters specified therein.

(2) All fees shall be payable in advance.

4. Where the preparation of a grosse or the making of a copy of any document is provided for in any item the Registrar may, where he accepts a grosse prepared or a copy made by the person liable to the fee, allow in respect of such grosse or copy such deduction from the fee as he may consider reasonable.

5. (1) Any person who has paid any of the fees prescribed under items 1, 7, 10 and 11 shall be entitled to a refund of 50 *per centum* of such fees if the transaction in respect of which such fees have been paid is commenced but not completed.

(2) If no work has been done or commenced by the Registrar or in the registry in respect of any transaction, the person who has paid the fees shall be entitled to a refund of all the fees so paid by him.

6. (1) For the purpose of determining the value of property in transports, under item 2 by an executor or administrator the Registrar may, if he thinks fit, accept as the value of the property the value as stated in the inventory attached to the estate duty declaration filed under the Estate Duty Ordinance if the transport is being advertised within two years of the death of the person whose estate is being dealt with by the executor or administrator.

(2) For the purpose of determining the value of property in judicial sale transports under item 3 the following provisions shall apply—

(a) where no mortgage existed on the property at the time of the sale at execution, or where a sale is made to satisfy a judgment obtained on a mortgage, the value shall be taken to be the purchase price:

Provided, however, that the Registrar may, if he thinks fit, require a valuation;

(b) where a mortgage existed on the property at the time of the sale at execution the value shall be ascertained by a valuation.

(3) Where two or more agreements of purchase and sale have been made between two or more sellers and the same purchaser, and it is sought to have one transport passed in respect thereof,

the Registrar shall collect fees under item 1 as if separate transports were being advertised in respect of each agreement of purchase and sale.

(4) Where more than one property, whether in the same matter or not, has been sold separately at execution, the Registrar shall collect fees under items 3 and 4 in respect of each separate property whether the purchaser at the sales at execution requires one or more judicial sale transports to be passed therefor.

(5) Where two or more mortgage bonds have been ceded or assigned in one instrument of transfer of mortgage, the Registrar shall collect fees under item 8 on the total amount due under the mortgages at the time of the transfer or assignment.

(6) Where two or more mortgage bonds are being cancelled in one instrument of cancellation of mortgage the Registrar shall collect fees under item 9 as if separate acts of cancellation were being effected in respect of each mortgage bond.

7. Where a valuation is required a valuation by a competent Method of appraiser must be produced, and the Registrar may, if he thinks fit, require that such valuation be verified by affidavit:

Provided, however, that where the property is situate within the limits of the City of Georgetown or of the town of New Amsterdam, or within the limits of a village, country or other district the Registrar may, if he thinks fit, accept as the value of the property the appraised value thereof as shown in the town books of the City of Georgetown or of the town of New Amsterdam, or in the books of the local or other authority of the village, country or other district, as the case may be.

8. Where two or more parcels of land are owned by any one Noting enperson in a village, country or other district and one of the parcels is a principal or a township parcel, and the others are than one appurtenant thereto, the said parcels of land shall be deemed to be one parcel of land for the purpose of collecting fees under against in items 33, 34, 40 and 42.

cumbrances where more parcel of land proceeded village, country or other districts.

valuation.

#### SCHEDULE.

#### (As amended on the 18th September, 1934, and 13th September, 1938.)

### TRANSPORT.

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ITEM.

1. For preparing advertisement of transport and for three publications 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 \$100 exceeds \$ 100 but does not exceed \$ 200

,,	300		160			500	(and)		10	00
,,	500	,,	37		-	1,000			15	00
,,	1,000	.,	33	35	37	1,500	346	346	18	00
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22	2,500		19:		,,	5,000		·	25	00
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	for ev	ery	\$1,00	)(), o	r fracti	ion thereof,	in add	ition		
			00				200		5	00
	010 000	2			1 000 :	. 1.114 Tax	41			00

300

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

See also items 48, 55, and 56.

200 ...

2. Where property is being transported by an executor or administrator to any person entitled to such property by will or by the law of succession, only one-half of the appropriate fee under item No. 1 shall be charged.

See also items 48, 55 and 56.

3. For preparing transport pursuant to section 28 (except as specified in item No. 4) and one grosse not exceeding 5 folios, examination of title and certificate under rule 9, attending on execution and completing, and registering, one-half of the fees as in item No. 1 according to the value of the property.

See also items 55 and 56.

4. For preparing transport pursuant to section 28 after sale at execution of immovable property under the Local Government Ordinance, Cap. 150, in respect of which application is made to the Registrar under section 139 of that Ordinance, for preparing one grosse, for examination of title and certificate under rule 9, attending on execution and completing and registering. ...

See also items 53 and 56.

5. For preparing transport or conveyance pursuant to rule 7 of the Rules of the Supreme Court (Declaration of Title) and one grosse not exceeding 5 folios, examination of title under rule 9, attending on execution and completing and registering, one-half of the fees as in item No. 1 according to the value of the property.

See also items 55 and 56.

For registering an office copy of any declaratory judgment or 6. order made by the Court for a declaration of title under the Civil Law of British Guiana Ordinance, Cap. 2, one-half of

\$ c.

ITEM.

the fees as in item No. 1 according to the value of the property.

#### MORTGAGE.

7.	For preparing advertisement of mortgage and for three pub-										
	lications thereof, for examination of title and certificate								ficate		
	under ru	le 9, for	prep	aring	gro	sse, for	attending	on exec	ution		
							ere the su				
							-does not e			5	00
	exceeds								444	7	50
		500		,,	,,	22	1,000			10	00
	,,	1,000	,,	,,	,,		1,500	-	100	12	50
	22	1,500			,,	22	2,500			15	00
		2,500	,,		,,	22	5,000			17	50
	,,,	5,000	,,,	,,,		,,	10,000			20	00
	>> >>				si		addition to			1	00
	>>	10,000	101	orory	Q1,	,000 m	addition of	, <b>Q10</b> ,0		. *	00

See also item 48.

For preparing grosse of transfer or assignment of mortgage, 8. attending execution (or to proof thereof) and completing and registering, half the fees specified in item No. 7 on the amount due under the mortgage at the time of the transfer or assignment:

- Provided that where such mortgage constitutes a floating charge, the maximum amount to be secured under the mortgage shall be taken as the amount due under the mortgage.
- 9. For examination of title of person seeking to cancel a mortgage and for certificate under rule 9, attending execution and completion of cancellation in whole or in part and registering

#### LEASE.

10.	For preparing advertisement of a long lease, for three pub-
	lications thereof, examination of title and certificate under
	rule 9, for preparing grosse, for attending on execution
	and completion and registering and annotating-

(a)	where the	ne rent p	er annu	m rese	rved do	oes not	exceed	\$48	2	50
	exceeds	\$48 but	does no	ot exce	ed \$48	0	141	1221	5	00
	exceeds	\$480					***	****	10	00
	See al	so item	48.							

(b) where the consideration is a lump sum or premium in lieu of a rent reserved, one-half of the fees specified for transports in item No. 1, the lump sum or premium being treated as the value of the property.

See also item 48.

- (c) where the consideration is a lump sum or premium as well as a rent reserved, fees shall be payable as under (a) or (b) hereof whichever may be the higher. See also item 48.
- 11. For preparing advertisement of transfer or assignment of a long lease, for three publications thereof, examination of title

2 00

ITEM. and certifica	te under rule 9, preparing grosse, and attending	\$	c.
	ad completion registering and annotating—		
(a) where th	e rent per annum reserved does not exceed \$48	2	50
	\$48 but does not exceed \$480	5	00
exceeds		10	00
	so item 48.		
	ne consideration for the lease is a lump sum or in lieu of a rent reserved, one-half of the fees		
	for transports in item No. 1, the lump sum or		
premium	being treated as the value of the property.		
	so item 48.		
	e consideration for the lease is a lump sum or		
	as well as a rent reserved, the fees payable as under $(a)$ or $(b)$ hereof, whichever may be er.		
	so item 48.		
	ne consideration for the transfer of the lease is		
	sum or premium and there is no rent reserved,		
	of the fees specified for transports in item No. be charged, the lump sum being treated as the		
	the property.		
	so item 48.		
(e) where th	ne consideration for the transfer of the lease is		
	um or premium and there is a rent reserved the		
	able shall be as under $(a)$ or $(d)$ hereof, whichever the higher.		
	so item 48.		
	execution (or to proof thereof) and completion		
of surrender	of a long lease, registering and annotating	2	00
13. For attending	execution (or to proof thereof) of lease other		
	lease, or a transfer, assignment or surrender of	-	0.0
such a lease,	depositing registering and annotating	2	00
	Oppositions.		
14. For filing notic	e of opposition, including statement of reasons		
	on, and for certificate of Registrar under rule 3		00
	of the Supreme Court (Deeds Registry)	1	00
	ement of the reasons for opposition, and for		
	f Registrar under rule 4 of the Rules of the urt (Deeds Registry) that opposition has been		
perfected	1222 122 222 222 222 222 222 222	0	50
16. For filing notic	ce of withdrawal of opposition	1	00
REGIST	TRATION AND RECORDING OF DOCUMENTS.		
	nemorandum of deposit of any document and		
attesting sa	me, for drawing and administering oath to		
affidavit in p	proof of execution, where that proof is required,		
	ng document, making copy thereof not exceeding		
o 101108, and	d for certificate on copy of document, an in-		

	Deeas Registry.	uap.	34.
<u>ітем.</u> 18.	For drawing memorandum of deposit of any document an attesting same where affidavit or declaration in proc of execution is required and where such affidavit or declara- tion is not prepared and sworn in the registry, for registerin document, making copy thereof not exceeding 8 folios an	of a- g	с.
	If copy exceeds 8 folios, then for each additional folio	5 0	00 10
19.	For every subsequent copy of document, for sealing an certifying same, in addition to copying fees	0	00
20.	For drawing memorandum of deposit of a document when no affidavit in proof of execution is required, attesting same and registering document, an inclusive fee of		00
21.	For every copy of such document, for sealing and certifyin same, in addition to copying fees See also item 57.	2	00
22.	For drawing memorandum of deposit, attesting same an registering such documents as are required to be deposite under section 17 of the Friendly Societies Ordinance Cap. 3	d	00
23.	For attesting any document executed in the registry	2	00
24.	For every sealed and certified copy of such document, per foli	io O	10
25.	For sealing up any document, box, or other article, drawin act of sealing, attesting and registering same, an inclusiv	e e	00
26.	For breaking the seals of any document, box or other article and taking them off, drawing act of breaking the seals attesting and registering the same, an inclusive fee of	le	
27.	For certificate of record of a document, for registering document and for certificate of Registrar on copy but exclusive of the cost of copy, an inclusive fee of See also item 57.		00
28.	For recording, including certificate of record, depositing, or registering a special power of attorney for the sole purpose of selling, purchasing, conveying, transferring, or acceptine transfer of any bonds, debentures, scrip, stock, shares or other securities and for certificate of Registrar on copy, but	se g er	
29.	exclusive of copying fees under item 57, an inclusive fee of For registering any document where registration fee no		00
	included in any other fee	1	00
Сор	ies of Deeds Conveying or Mortgaging Immovable Pr		FY.
30.	For filing application for copy of lost grosse of transport letters of decree, lease or transfer of lease, and for copy of lost transport, letters of decree, lease or transfer, such cop not exceeding 5 folios, an inclusive fee of	of y 4	
31.	If copy exceeds 5 folios then for each additional folio For filing application for copy of lost grosse of mortgag bond, and for certificate of sworn clerk under rule 27 (2 that mortgage bond or cession has not been cancelled of	ge 2)	10
	ceded, an inclusive fee of	9	50

c	\$		ITEM.
00	1	For noting certified copies of deeds conveying immovable or mortgaging immovable or movable property issued under rule 29 for judicial purposes or issued for purposes of information only	32.
		Execution Sales.	
		property proposed to be levied on and as to encum- brances thereon, including searches, total fee not to exceed \$5-	33.
00 00 00	3 1 1	In respect of first parcel of land In respect of second parcel of land In respect of other parcels of land	
00 50	10	For further certificate as to such title where a levy is not made within one month of the original or any later certificate, or where a sale is to be re-advertised, or where a sale is not advertised within one month of the levy, including searches— in respect of first parcel of land	34.
00	1	in respect of remaining parcels	35.
00 50	3	total fee not to exceed For further certificate as to such encumbrance where a levy is not made within one month of the original of any later certificate, or where the sale is not advertised within one month of the levy or where the sale is to be re-advertised including search	36.
25	0	For original certificate as to encumbrances on property pro- posed to be levied upon to satisfy a statutory claim, in- cluding search, in respect of each summation	37.
25	0	For further certificate as to such encumbrances where a levy is not made within one month of the original or any later certificate, or where the sale is not advertised within one month of the levy, or where the sale is to be re-advertised,	38.
00	1		39.
00 50	1	For original certificate as to encumbrances on mortgaged property proposed to be levied upon to satisfy a judgment obtained on a mortgage, including search— in respect of first parcel of land	40.
50	0	in respect of each subsequent parcel For further certificate as to such encumbrances where a levy is not made within one month of the original or later certificate, or where the sale is not advertised within one month of the levy or where the sale is to be re-advertised,	41.
50	0	including search	

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/	eeds	Roc	no str	21
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NOTARIAL.

ITEM.		\$	c.
42.	For attending to present a bill of exchange for non-acceptance		
	or for non-payment, noting same for protest and making		
	copy of bill—		
	where the amount of the bill does not exceed \$96	1	50
	exceeds \$ 96 but does not exceed \$240	2	50
	,, 240 ,, ,, ,, ,, 360	3	50
	······································	4	50
	<b>,,</b> 480	5	50
43.	For travelling expenses of notary—		
	(a) to and from place within the limits of the City of		
	Georgetown or the town of New Amsterdam, for each		
	completed trip	0	48
	(b) beyond such limits, the actual and necessary travelling		
	expenses.		
44.	For drawing, attesting, sealing and registering protest of a		
	bill of exchange for non-acceptance or non-payment—		
	where the amount of the bill does not exceed \$240	5	00
	exceeds \$240	10	00
45.	For noting, attesting, sealing and registering a ship's protest	9	00
46.	For drawing, attesting, sealing and registering a ship's protest		
	and administering oaths to seamen if required	20	00
47.	For any attestation or notarial certificate of Registrar or		
- <b>I</b> I.	notary public not otherwise specified	2	00
	notary public not otherwise specifica	-	00
	GENERAL.		
48.	For fresh series of three publications of advertisement when		
	required	2	00
49.	For entering any injunction or order of Court in the register		
	to be kept under section 8	2	00
50.	For certificate of Registrar under rule 16, including search	1	00
51.	For any other certificate of the Registrar required to be given	1	00
52.	For drawing affidavit or statutory declaration in proof of any		
	document or fact, where not included in any other fee	2	00
53.	For certified copies of documents required to be filed in the		
	registry or lodged with the Registrar to lead transport		
	under section 28, except the transport specified in item		
	No. 4, per folio	0	10
54.	For every search or inspection, for each period of fifteen		
	minutes or part thereof	0	24
55.	For every additional folio in a grosse after the first 5 folios,		
00.	in respect of items 1, 2, 3, 5, 10 and 11	0	10
56.	For every grosse transport after the first, where transport is		
00.	passed to more than one person and separate grosses are		
		0	10
57		, T	10
57.	For making a copy of any document where copying fees are	0	10
	not included in any other fee, per folio	0	10