

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

25th February, 2011.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL NO. 3 OF 2011

TITLE TO LAND (PRESCRIPTION AND LIMITATION) (AMENDMENT) BILL 2011

ARRANGEMENTS OF SECTIONS

SECTION

1. Short title.
2. Repeal and re-enactment of section 3 of the Principal Act.
3. Amendment of section 13 of the Principal Act.
4. Claims.

A BILL
Intituled

AN ACT to amend the Title to Land (Prescription and Limitation) Act.

A.D. 2011 Enacted by the Parliament of Guyana:

Short title. 1. This Act, which amends the Title to Land (Prescription and Limitation) Act, may be cited as the Title to Land (Prescription and Limitation) (Amendment) Act 2011.

Cap. 60:02

Repeal and re-enactment of section 3 of the Principal Act. 2. Section 3 of the Principal Act is repealed and the following section re-enacted as section 3 –

“Title by prescription to land.

3. (1) Where the Court is satisfied that the right of every other person to recover land or any undivided or other interest in land has expired or been barred and the title of every person to the land has been extinguished, title to the land may, subject to subsection (2), be acquired –

- (a) by sole and undisturbed possession, user or enjoyment for not less than twelve years;
- (b) if possession, user or enjoyment is established to the satisfaction of the Court; and
- (c) if possession, user or enjoyment was not taken or enjoyed by fraud or by some consent or agreement expressly made or given for that purpose.

(2) State land, Government land, land wholly owned by State entities including companies and corporations or in which the controlling interest is vested in the State and any land identified by law or on a plan drawn and approved in accordance with any law for reserves for the public interest and benefit or to any undivided or other interest in any land in this subsection is expressly excluded and shall not be acquired by prescription through adverse possession.”.

Amendment of section 13 of the Principal Act. 3. Section 13 of the Principal Act is amended by the insertion immediately after the word “extinguished” the words “except in the case of lands referred to in section 3 (2)”.

Claims. 4. Any proceedings pending immediately before the commencement of this Act shall be continued as if this Act had not been passed.

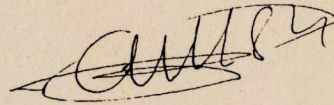
EXPLANATORY MEMORANDUM

This Bill repeals and re-enacts section 3 of the Title to Land (Prescription and Limitation) Act, Cap. 60:02.

Section 3 (1) of the Act substituted by clause 2 of the Bill reiterates that in the case of private land the law relating to title by prescription remains the same. The title may be acquired by the sole and undisturbed possession for not less than twelve years where the possession was not taken by fraud or consent and the right of every other person to recover the land has expired or been barred.

Section 3 (2) of the Act substituted by clause (2) of the Bill states that State land, Government land, land wholly owned by State entities including companies and corporations or in which the controlling interest is vested in the State and lands, identified by law or on a plan drawn and approved in accordance with any law, set aside for reserves cannot be acquired by prescription through adverse possession.

Clause 3 of the Bill preserves the right of persons including the State to the lands referred to in section 3 (2). There shall be no prescription to those lands regardless of the length of adverse possession.



Attorney General and Minister of Legal Affairs.