

LAWS OF GUYANA

DEEDS REGISTRY ACT

CHAPTER 5:01

Act

17 of 1919

Amended by

19	of	1927	16 of 1965
44	of	1929	24 of 1969
2	of	1931	22 of 1970
11	of	1934	4 of 1972
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of
Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**Note on
Revision**

The items of subsidiary legislation made under this Act, while still in force were at the time of this publication about to be revised in whole or in part, consequently those items are excluded from this publication.

**Note
on
Repeal**

This Act repealed Ordinance (7 of 1913).

CHAPTER 5:01

DEEDS REGISTRY ACT

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CHAPTER 5:01

DEEDS REGISTRY ACT

17 of 1919

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]

Short title.

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

Interpretation.

2. In this Act—

c. 82:01

,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;

,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.

Appointment
of officers.
[44 of 1929
16 of 1965
2 of 1993]

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

Provided that no person shall be appointed a notary public or to act as a notary public 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 an attorney-at-law 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 an attorney-at-law of not less than one year's standing, may be appointed a notary public for such time as he may hold a public office in the deeds registry.

(4) For the purpose of subsection (3) ,attorney-at-law` means any person whose name is enrolled on the Court Roll in accordance with the Legal Practitioners Act;

c. 4:01

Duties of officers of staff generally. [44 of 1929 2 of 1993]

4. (1) Except where otherwise specially provided, the Deputy Registrar and each 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 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 notary public, and may lawfully demand and receive on behalf of the registry the fees in respect of those duties and services.

First Schedule.

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

Appointment of acting officers. [44 of 1929]

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.

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

6. During the temporary absences of the Registrar from the deeds registry an officer being a first class clerk or 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,

[11 of 1934
2 of 1993]

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.

Duties of the
Registrar.
[5 of 2014]

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;
- (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, **prohibitions in respect of written agreements of sale of immovable property** 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, **prohibition in respect of a written agreement of sale of immovable property**, or incumbrance contained in any State title, or in a transport, or other duly recorded deed, or authorised by order of the Court;

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- (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, mortgage and prohibitions in respect of written agreements of sale of immovable property, 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;
 - (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.

Validity of
existing
records.

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.

Rules and
regulations.
[2 of 1931]

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* and in some newspaper circulating in Guyana for three successive Saturdays.

(2) All rules and regulations made in pursuance of this section shall be laid before the National Assembly at the first Session thereof after they have been made.

Second
Schedule

(3) Until those rules shall have been made, the rules contained in the Second Schedule shall be in force and shall apply to all proceedings under this Act.

Proof required
under oath.
[2 of 1993]

10. (1) The Registrar may require, and any person may tender, proof under oath of any material fact which the Registrar considers necessary to be established in connection with any matter or thing sought to be done in the registry, and the oath may be administered and the fact sworn before any notary public or assistant sworn clerk.

(2) Anyone who makes the statement under oath or affirmation knowing it to be untrue in any material particular shall be deemed to be guilty of perjury, and shall, upon conviction, undergo the punishment by law provided therefor.

Allowance of
access to
records on
payment
of fees.

11. (1) Anyone may, upon payment of the prescribed fees, ask for and obtain access to each and every register or record in the registry and obtain copies thereof or of any part or portion thereof.

(2) No one shall be allowed access to any register or record except in the presence of the Registrar or someone belonging to the registry thereto duly authorised.

(3) The fees payable for any search or inspection or copies shall be paid in advance.

Transports and
mortgages to

12. (1) No person in whom the title to any immovable property situate in Guyana vests may transfer or mortgage

be executed
before a judge.

that property except by passing and executing a transport or mortgage thereof before the Court.

(2) Movable property may be mortgaged in the same way as immovable property.

(3) All transports and mortgages passed after the commencement of this Act shall be registered by the Registrar and filed as of record in the registry.

Leases.

13. (1) No lease of immovable property expressed to be for a term of twenty-one years or more, or for any term renewable at the will of the lessee indefinitely, or for periods which, together with the first term thereof, amount in all to twenty-one years or more, (herein referred to as a 'long lease'), and no surrender, transfer, or assignment of a long lease having a term expressed to be of twenty-one years or more to run at the time of surrender, transfer, or assignment, shall, as against any *bona fide* transferee of the property for value, be good, valid, or effectual in law or pleadable in any court of justice in Guyana unless passed and executed before the Court in like manner as a transport and filed as of record in the registry.

(2) No lease of any immovable property, or any surrender, transfer, or assignment thereof, shall, as against any *bona fide* transferee of the property for valuable consideration be good, valid, or effectual in law or pleadable in any court of justice in Guyana unless filed as of record in the registry.

(3) Every long lease and every surrender, transfer, or assignment thereof, mentioned in subsection (1), passed and executed before the Court and filed as of record in the registry as aforesaid shall be annotated by the Registrar against the property leased.

(4) Every lease, or surrender, transfer, or assignment thereof filed as of record in the registry in

accordance with subsection (2) shall be annotated by the Registrar against the property affected as the circumstances require, and the Registrar shall without delay give notice in writing to the person filing the lease, surrender, transfer, or assignment, of the entry made by him in respect thereof:

Provided that this section shall not apply to leases by the President of State lands, and that no lease of any interest in State lands shall be required to be executed before the Court or to be filed as in this section aforementioned.

Execution and
custody of
transports.

14. Any transport, mortgage, lease, or other document, required to be passed and executed before the Court, shall be passed and executed at any place within Guyana the Court sees fit:

Provided that the original of any transport, mortgage, lease, or other document relating to land or property situate in any county other than Demerara shall be kept and preserved in the branch (if any) of the registry established in that county.

Cancellation of
mortgage.
[27 of 1957
4 of 1972
2 of 1993]

15. (1) No cancellation of mortgage shall be of any force or effect, or be in any way pleadable or allowed to be pleaded in any court of justice in Guyana, unless it is executed before the Court or a notary public and filed as of record in the registry.

(2) Where a mortgagee is under any disability or is absent from Guyana or his whereabouts are unknown, and there is no person authorised to execute the deed of cancellation of a mortgage, the Registrar may, if he is satisfied that the mortgage debt has been fully paid, cancel the said mortgage in the register, and such cancellation shall have the same force and effect as if a cancellation of the mortgage had been executed and registered as hereinbefore provided.

Transports, etc.
executed

16. (1) Notwithstanding anything contained in this or any other Act but subject to this Act, every transport,

before the
Registrar.
[2 of 1931
32 of 1956]

mortgage, cancelment of mortgage, lease or other document which is required by law to be passed and executed before the Court may be passed and executed before the Registrar.

(2) Every transport, mortgage, cancelment of mortgage, lease or other document passed and executed before the Registrar shall have the same validity, force and effect as if passed and executed before the Court.

(3) Whenever the Registrar is required to pass and execute a transport (other than a judicial transport), mortgage, cancelment of mortgage, lease or other document he shall do so before the Court.

(4) The jurisdiction conferred on the Registrar by this section shall be exercised only by the Registrar or by the Deputy Registrar.

(5) The Registrar may appoint such days and hours for exercising the jurisdiction so conferred on him as he deems fit and necessary.

(6) Wherever in this Act or in any other Act or in any rules or regulations reference is made to any transport, mortgage, cancelment of mortgage, lease or other document to be passed and executed or passed and executed before the Court or a Judge such reference shall be deemed to apply to any such document passed and executed before the Registrar.

(7) Wherever in the forms in the Second Schedule the words „Chief Justice,“ „Puisne Judge,“ or „Judge“ occur, the word „Registrar“ shall be substituted in cases where the passing and execution of the transport, mortgage, cancelment of mortgage, lease or other document has taken place before the Registrar.

Requirement of
certificate
before passing

16A. There shall not be passed and executed before the Registrar—

of transport or
'long lease'.
[14 of 1982]

- (i) the transport of a gift or voluntary sale of immovable property; and
- (ii) the lease of immovable property to which section 13 applies, or any transfer or assignment thereof unless,

in relation to the property referred to in paragraph (i) the donor or vendor, as the case may be, and in relation to the property referred to in paragraph (ii) the lessor, or transferor or assignor, as the case may be, presents to the Registrar —

c. 79:04
s.8 (13 of 1996)

c. 81:01

- (a) a certificate of the Commissioner General of the Revenue Authority appointed under the Revenue Authority Act (hereinafter referred to as the Commissioner) stating that he has in accordance with section 60 of the Income Tax Act delivered to the Commissioner all his returns, including the return for the preceding year of income, and has paid all taxes due and payable to the Commissioner by him or has made arrangements to the satisfaction of the Commissioner for the payment of all such taxes that are due and payable; and
- (b) a certificate from such officer of the local democratic organ, within the boundaries of which such immovable property is situated, as may be authorised by that local democratic organ in that behalf stating that the donor, vendor, lessor, transferor or assignor, as the case may be, has paid or made arrangements to the satisfaction of that officer for the payment of all rates and other sums

due and payable by him in respect of such immovable property.

Mode of executing and depositing or recording transfer of mortgage or other document.

17. (1) No transfer or assignment of any agreement, contract, instrument, or cause of action whatsoever, creating an interest in any immovable property in Guyana, or whereby that immovable property may be in any way affected in law or in equity already entered into and executed in Guyana by anyone whomsoever, to and in favour of anyone whomsoever, whether for valuable consideration or not, on and subsequent to the 16th February, 1845, or which is hereafter executed, and no donation *inter vivos*, act of division of an inheritance, or other instrument, whereby the interests of creditors or third parties may be affected, already or hereafter to be executed, shall be good, valid and effectual in law or be in any way pleadable or allowed to be pleaded in any court of justice in Guyana, unless the instrument is signed and executed in the presence of two witnesses, and until the instrument as well as the mortgage, agreement, contract, or instrument evidencing the cause of action, is duly proved and filed as of record in the registry.

(2) No transfer or assignment of any mortgage shall be in any way pleadable or allowed to be pleaded in any court of justice in Guyana unless it is filed as of record in the registry:

Provided that this section shall not affect any instrument aforesaid duly executed and deposited or recorded in accordance with the requirements of any law or laws in force in Guyana at the time of the execution thereof.

Effect of deposit or record of transfer of mortgage or other document.

18. As soon as any transfer or assignment of any mortgage, agreement, contract, instrument, or cause of action aforesaid is filed as of record as hereinbefore provided, it shall be held to be *prima facie* valid and effectual as conveying to the transferee or assignee all right, title, and interest in and to the mortgage, agreement, contract, instrument, or cause of action theretofore possessed by the transferor or assignor and

expressed to be thereby transferred or assigned, subject, nevertheless, to the right of any person interested disputing the validity of the transfer or assignment.

Form of special power of attorney.

19. A special power of attorney providing for the passing of a transport, mortgage, or lease, or for the cancellation of a mortgage only and for no other purpose shall be in the form and be executed in the manner prescribed by the rules made under this Act.

Proof of execution of document.

20. (1) Except as provided by any Act, every instrument or document filed as of record or recorded in the registry, if it is executed in Guyana, shall, before it is so filed or recorded, be verified and proved by the affidavit or declaration of one at least of the subscribing witnesses, to have been duly signed and executed.

(2) Whenever it appears to the Registrar that all the subscribing witnesses are either dead or absent from Guyana, the person wishing to file or record the instrument or document may produce evidence by affidavit of the signature of any one or more of the subscribing or attesting witnesses, or of the party who has signed or executed the instrument, and the Registrar shall receive that affidavit in the place and stead of an affidavit by a subscribing or an attesting witness himself.

(3) The due execution of every instrument or document filed as of record or recorded in the registry, if executed beyond the limits of Guyana shall, before it is filed or recorded, be proved in accordance with the provisions of the Evidence Act dealing with the proof of public and private documents.

Cancellation of grant or transport.

21. The Registrar may not cancel any title to immovable property or any transport except upon an order of the Court.

22. (1) From and after the 1st January, 1920, every transport of immovable property other than a judicial sale transport shall vest in the transferee the full and absolute title to the immovable property or to the rights and interest therein described in that transport, subject to—

- (a) statutory claims;
- (b) registered incumbrances;
- (c) registered interests registered before the date of the last advertisement of the transport in the *Gazette*;
- (d) registered leases registered before the date of the last advertisement of the transport in the *Gazette*

Provided that any transport, whether passed before or after the 1st January, 1920, obtained by fraud shall be liable in the hands of all parties or privies to the fraud to be declared void by the Court in any action brought within twelve months after the discovery of the fraud, or from the 1st October, 1925, whichever is the more recent.

(2) A transport, letters of decree, or a declaration of title issued under section 4 (1) of the Civil Law of British Guiana Ordinance, Cap. 7, 1953 Ed., passed or issued before the 1st January, 1920, and in force at that date shall, after the expiration of two years from that date if still in force, vest in the transferee or grantee thereof the full and absolute title to the immovable property or to the rights and interest therein described, subject to the provisions contained in paragraphs (a), (b), (c) and (d), of the preceding subsection.

Prohibition
[5 of 2014]

22A (1) For the prevention of any detail with any immovable property, that is the subject of a written agreement of sale without prior notice to the purchaser, any purchaser, his assignee or successor claiming to be entitled to the conveyance of immovable property under the said agreement of sale, may lodge the following with the Registrar-

- (a) a prohibition in Form 3 in the Third Schedule to this Act verified by a Statutory Declaration; and
- (b) a copy of the written agreement of sale.

(2) For the purposes of lodging a prohibition, a written agreement of sale shall –

- (a) be valid and subsisting;
- (b) specified that the purchaser has paid a deposit of at least ten percent of the purchase price;
- (c) specify a time for completion and passing of transport; and
- (d) be lodged within the period specified in the agreement for the completion and passing of the transport.

(3) The Registrar shall not accept a prohibition unless it identifies an address for service in Guyana.

(4) Upon lodgement of any prohibition, the Registrar shall-

- (a) enter a memorial in a register kept for that purpose;
- (b) annotate same on the original grosse; and
- (c) give notice within seven days of the lodgement of the prohibition to the vendor of the land affected.

(5) A prohibition may be removed from the register with the consent of the prohibitor in the form of an affidavit sworn to by the prohibitor by order of the Court.

(6) Upon the application of the owner of any land affected by a prohibition, the Court may summon the prohibitor to attend before the Court to show cause why the prohibition should not be removed and the Court may thereupon make such order including an order removing the prohibition and as to cost as the Court thinks fit.

(7) If instruments or documents in the appropriate form

intending to effect another conveyance, mortgage or charge on the land which is the subject of a prohibition are presented for filing in the Registry, the Registrar shall –

(a) give notice to the prohibitor; and

(b) suspend processing of the documents for eight weeks from the date of the notice.

(8) At the expiration of the period mentioned in subsection (7) (b), unless the prohibitor has commenced proceedings before the Court to restrain the conveyance, mortgage or charge to which the prohibition relates, the prohibition shall lapse and the instruments or documents presented under subsection (7) shall be deemed filed and processed as at the date of presentation.

(9) If no action is brought in the manner and within the time mentioned in the preceding subsections, the owner of the land may apply ex-parte to the Court for an order that the prohibition be declared 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 prohibition as the court thinks fit.

(10) Nothing in this section shall operate to prevent a transaction if the memorial of the prohibition is removed from the register before the period of suspension has expired.

(11) No land or interest affected by a prohibition may be made the subject of any further prohibition so as to defeat the provisions of subsection (6).

(12) If a purchaser lodges a prohibition without reasonable cause, he shall be liable in damages to any person who may have suffered loss thereby.

(13) A prohibition shall operate to prevent any disposition of land affected thereby, subject to subsections (6), (7), (8), (9) and (10) and in any event, no longer than one year from the date of lodgement

(14) A prohibition may be renewed at the end of one year subject to subsection (9).

23. Whenever, in consequence of an error or omission in any grant, transport, mortgage bond, or other deed, whether in the name or names of a person or persons therein mentioned or in the description of the property thereby

granted, transported, or bound, it is found necessary to amend that grant, transport, bond, or deed, the Court may, upon consent in writing of the persons interested, amend the error:

Provided that—

- (a) where the error or omission is common to two or more interdependent documents one document shall not be amended without the other or others; and
- (b) if any interested person refuses to consent to the amendment, no alteration shall be made before that person has had an opportunity of being heard.

Mode of
dealing with
error in record.
[2 of 1993]

24. (1) No erasure shall at any time for any reason whatsoever be permitted to be made in the registers or books of record, or in any document of title or other document affecting land.

(2) If any word or words is or are improperly or in error inserted in the recording of any original document or instrument in writing, then a line shall be drawn through the word or words improperly inserted so as to leave the original word or words legible, and any word or words erroneously omitted shall either be interlined or written in the margin, and always when practicable by the same hand as the rest of the record, and the Registrar or a notary public shall, under the line or word or words written in the margin, or under a mark of reference to the interlineation or correction, legibly subscribe the initials of his name and surname.

Partition of
mortgaged
property.

25. (1) If it happens in the case of the partition of immovable property held in undivided shares that the total share of any owner in the property is hypothecated under a mortgage bond, then, upon production of the bond and of the consent in writing of the legal holder thereof, which consent

shall state that it is given under this section, transport may be allowed to be passed to the owner of the divided share awarded to him on partition, notwithstanding that the bond remains uncanceled.

(2) In that case the Registrar, at the time of the passing of the transport, shall—

- (a) endorse on the bond that the divided share is in terms of this section substituted for the undivided share previously held by that owner;
- (b) with the consent of the person obtaining the divided share, endorse on the transport thereof that in terms of this section it is mortgaged by the bond;
- (c) make any other endorsement the circumstances require.

(3) From and after the completion of the endorsements aforesaid the divided share of the immovable property so transported shall be deemed to be hypothecated as fully and effectually as if the divided share and not an undivided share had been originally hypothecated by the bond.

Payment by
debtors to be
written off.

26. (1) Whenever it appears from the accounts of any insolvent estate and from the vouchers annexed thereto that a payment has been made to any creditor on account of a registered obligation of debt, the Official Receiver shall forthwith notify in writing that payment to the Registrar, who shall thereupon write it off by endorsement upon the obligation of debt.

Insolvents

(2) The Official Receiver shall furnish the Registrar with returns of all insolvents who from time to time obtain their discharge, and the returns shall specify the immovable property and registered obligations of debt appearing in the insolvent's schedules, or in the liquidation accounts of his estate, and the Registrar shall, on receipt of the returns, write off all those debts registered against the insolvent prior to his insolvency by endorsement upon the obligation of debt.

Substitution of judicial sale transport for letters of decree and procedure to obtain.

27. (1) From and after the commencement of this Act no letters of decree shall be issued by any court of law in respect of any immovable property sold in execution of a judgment or an order of a competent court or judge, but that immovable property shall, without previous publication of notice of the transport, be transported before the Court after judicial sale to the purchaser at his expense by the officer of the Court carrying out the judgment or order.

(2) For the purpose of passing the transport, the officer of the Court shall produce and file in the registry a certified copy of the conditions of sale, of the statement of the documents or other facts constituting the title of the judgment debtor, of the affidavit in support thereof (if any), of the instructions to levy, and of the judgment or order (if any) whereby that immovable property was brought under execution:

Provided that in the case of a judicial sale transport passed by virtue of an execution sale under process for the recovery of rates, taxes, or assessments, imposed by or levied under the authority of any Act, it shall be sufficient if there is filed a memorandum signed by the Registrar giving the dates and other particulars of the required documents.

Provisions relating to sales in execution of immovables. [4 of 1936]

28. The following provisions shall apply at sales in execution of immovable property after the 28th May, 1936:

(a) Where the sale of the property is for the purpose of enforcing payment of a statutory claim the property shall be sold free from all registered incumbrances,

registered leases and registered interests other than real servitudes and free from any other statutory claim in respect of which and of the amount of which the holder has given to the Registrar notice in writing not later than the day before the day of the sale.

(b) Where the sale of the property is for the purpose of enforcing rights under a registered incumbrance the property shall be sold free from all registered incumbrances, registered interests or registered leases to which the registered incumbrance has priority, but subject to all statutory claims, registered incumbrances, registered interests and registered leases which have priority to the said registered incumbrance:

Provided that where the holder of a registered incumbrance has consented in writing to the grant of a lease or of a registered interest being a real servitude a sale at execution for the purpose of enforcing his rights under the incumbrance shall be subject to the lease or servitude.

(c) Where the sale of the property is for the purpose of enforcing the payment of a judgment debt of a judgment-creditor other than the holder of a statutory claim or a registered incumbrance the property shall be sold subject to all statutory claims, registered incumbrances, registered interests and registered leases.

(d) (i) The Registrar shall cause to be given notice in writing not less than eight days before the day of the sale to every holder of a registered incumbrance, registered interest and registered lease by registered post at the address stated in the registered instrument or if there is no such address at the property that the sale is at the instance of the holder of a statutory claim or a registered

incumbrance (as the case may be) and that the property will be sold free from all or subsequent (as the case may be) registered incumbrances, registered interests and registered leases.

- (ii) there shall be stated in the advertisement of the sale the registered incumbrances, registered interests and registered leases to which the property is subject.
- (iii) there shall be stated in the conditions of sale the statutory claims of which notice has been given to the Registrar under paragraph (a).
- (iv) Failure to comply with any of the requirements of this paragraph shall not affect the operation of the other provisions of this section or the next five succeeding sections.

Property
vested by a
judicial sale
transport.
[4 of 1936]

29. A judicial sale transport passed after the 28th May, 1936, shall vest in the transferee the full and absolute title to the immovable property or the rights and interest therein subject only to such statutory claims, registered incumbrances, registered interests and registered leases as have not been extinguished by the sale in execution.

Order of
distribution of
proceeds of sale
in execution.
[4 of 1936]

30. The Registrar after a sale in execution shall satisfy claims out of proceeds of sale in the following order —

(a) where the sale has been for the enforcement of a statutory claim —

- (i) the costs in execution of the execution creditor, and the taxed costs of

enforcing the claim;

- (ii) discharge of the statutory claim for the enforcement of which the property has been sold;
- (iii) the discharge of any statutory claim of which notice has been given under section 28(a);
- (iv) registered incumbrances in the order of priority;
- (v) the residue to the person or persons thereafter entitled;

(b) where the sale has been for the enforcement of a registered incumbrance –

- (i) the costs in execution of the execution creditor and the taxed costs of enforcing the claim;
- (ii) discharge of the registered incumbrance for the enforcement of which the property has been sold;
- (iii) subsequent registered incumbrances in the order of priority;
- (iv) the residue to the person or persons thereafter entitled;

(c) where the sale has been for the enforcement of a claim by a judgment-creditor other than the holder of a statutory claim or registered incumbrance-

- (i) the costs in execution of the execution creditor;

- (ii) the taxed costs of enforcing his claim;
- (iii) the amount of the judgment debt;
- (iv) the residue to the person or persons thereafter entitled.

Summons to
decide mode of
distribution.
[4 of 1936]

31. If any person who has any interest in the proceeds of sale of any property which has been sold in execution shall be dissatisfied with the decision of the Registrar as to the distribution of the said proceeds, he may within seven days after the decision apply to a Judge of the Court by summons returnable within ten days to be served on all parties for directions as to the mode of distribution or for the decision of any question incidental thereto which may have arisen.

Preservation of
rights and
liabilities
where transport
is passed or
sale made
subject to
registered
incumbrance.
[4 of 1936]

32. Whenever a transport is passed or a sale at execution is made subject to any registered incumbrance, registered interest or registered lease the said incumbrance, interest or lease and all the provisions thereof shall continue in full force and effect, and the holder of the transport or the purchaser shall have all the rights, powers and authorities and be subject to all the liabilities which are contained in the instrument or are conferred by law.

Application of
Act.
[4 of 1936
14 of 1938
24 of 1969]
c. 28:02
c. 28:01
c. 64:03
c. 55:03

33. The last five preceding sections shall apply to sales in execution by the Registrar under section 82 of the Local Government Act, section 220 of the Municipal and District Councils Act, section 58 of the Drainage and Irrigation Act, and section 32 of the East Demerara Water Conservancy Act.

Priority of
payment of
debts.

34. No deed or instrument of hypothecation executed at any time after the date of this Act shall be of any force or effect to give any preference or priority to the payment of any advances, debts, or demands made or accruing after the date

of that deed or instrument unless it is therein expressed that it is meant or intended to cover or secure future advances, debts, or demands generally, or some proper description thereof is in the deed or instrument described, and unless also some certain sum is expressed in the deed or instrument as that beyond which those future advances, debts, or demands shall not be deemed to be covered or secured by the hypothecation made or created by the deed or instrument.

Registration of property acquired from deceased persons or others.

35. Anyone who, by virtue of any contract or transaction or in any other manner has acquired the just and lawful right to the ownership of any immovable property in Guyana, whether registered in the name of or as the property of any other person or not, and who is not able to procure the passing to him and registration in his name of that property by reason of the death, mental incapacity, insolvency, or absence unrepresented from Guyana of the person who last obtained transport of the property, or of any person or persons through or from whom that right has been mediately or immediately derived, or owing to any other cause, may apply to the Court to order that the property be passed to him and be registered in his name, but that order, unless the Court otherwise directs, shall convey only the title held by the previous owner.

Appeal from Registrar or Judge.
[2 of 1931]

c. 3:02

36. (1) Any person affected by a decision of a Judge of the Court refusing to permit the passing of a transport, mortgage, cancelment of mortgage, lease or other document or by any order or decision of a Judge in Chambers may appeal to the Full Court and the provisions of the Rules of the Supreme Court (Appeals), 1924, shall apply to such appeals so far as practicable.

(2) Any person affected by any order or decision of the Registrar may appeal to a Judge in Chambers. Such appeal shall be by notice in writing to be served on the Registrar within seven days after the order or decision complained of or such further time as may be allowed by a Judge. On the appellant serving notice of appeal the Registrar

shall draw up a statement of his reasons for his order or decision and shall lodge such statement with the notice of appeal and cause a copy thereof to be served on each of the parties. Unless otherwise ordered by a Judge there shall be at least four clear days between service of the notice of appeal and the day of hearing. On the hearing of the appeal the Judge shall make such order or give such decision as he shall deem fit and shall have power, subject to this Act, to make such order as to costs as may be just.

(3) In all proceedings before the Full Court of the High Court or a Judge the costs of the Registrar shall be in the discretion of the Court or Judge but the Registrar shall not be ordered to pay the costs of any other of the parties.

(4) For the purpose of calculating the fees payable to the Registrar on an appeal to a Judge or to the Full Court of the High Court such appeal shall be deemed to be an application under Order 40 of the Rules of the High Court.

Registration of property acquired by expropriation.

37. Anyone who acquires the right to immovable property by expropriation and is entitled to obtain transport thereof but cannot from any cause obtain the transport in the ordinary manner and according to the usual forms, may apply to the Court to order that the property be passed to him and registered in his name.

Application under section 35 or 37.

38. (1) Upon hearing an application under section 35 or 37, the Court may grant an order setting forth the description of the property mentioned in the application and calling upon all persons having or claiming to have any right or title thereto to appear and establish their claims upon some day to be named in the order, or to be forever barred therefrom, and may direct the mode of service and publication of the order.

Showing cause.

(2) If anyone appears to show cause against the order, the Court may, without the issue of any summons, require any question of fact to be tried with or without

pleadings, or make such order as will in the most speedy and inexpensive manner determine the matter in controversy.

Order for registration.

(3) Upon consideration of the application, or upon the return of any order aforesaid, no good cause being shown to the contrary, the Court may order the Registrar to pass and register the transport, mortgage, lease, or transfer, as the case may be, of the property mentioned in the order to and in the name of the person, and subject to the terms and conditions, mentioned therein:

Provided that the Registrar shall not be liable for any costs incurred for anything in good faith by him done or refused to be done in the ordinary course of his duty.

Registered mortgage to subsist, subject to terms of order.

39. Subject to the terms of any order aforesaid for the passing and registration of title, any registered mortgage over immovable property so registered in existence at the date of the passing and registration of title shall attach to and upon the property precisely as then existing, and all entries and endorsements required by law to be made upon or in regard to any transport passed in obedience to the order shall be forthwith made by the Registrar.

Payment of fees on registration.

40. When an order has been made under section 38 (3) directing the Registrar to pass transport and register the title in any property in the name of any person, that person shall be liable to pay the fees, taxes, and duties in respect of the registration which he would have been liable to pay if the property had been transported to him directly from the person last holding title as proprietor thereof in due form of law.

Form of registration.

41. Upon filing with the Registrar any order granted under section 38 (3) the Registrar shall certify, sign, and after the passing thereof, register the transport of the immovable property as by the order directed as nearly as possible in the form provided by the rules made under this Act, subject to any conditions directed by the order.

When amount
due payable in
case of absence
to Public
Trustee.

42. Any sum of money which the Court making an order under section 38 (3) finds to be due to anyone by the person in favour of whom the order is made shall, if the person to whom it is found due is absent from Guyana, unknown, or a minor, be paid to the Public Trustee to the credit of the person found entitled to it or otherwise as ordered by the Court.

Concealment
or suppression
of documents
or facts.
[6 of 1997]

43. (1) If, in the course of proceedings before the Registrar or the Court in pursuance of this Act or of any rules made under it in connection with the passing of any transport, mortgage, or long lease of immovable property, any person concerned in the proceedings, as principal or agent, with intent to conceal the title of any person, or to substantiate a false claim to that property, suppresses, or attempts to suppress, or is privy to the suppression of, any document or fact, that person shall be guilty of a misdemeanour and, upon conviction on indictment, shall be liable to a fine of five hundred and twenty thousand dollars or to imprisonment for two years.

(2) Anyone who fraudulently procures, or attempts fraudulently to procure, or is privy to fraudulently procuring any entry on any register kept in the registry, or any erasure from the register or alteration thereof shall be guilty of a misdemeanour and, upon conviction on indictment, be liable to a fine of five hundred and twenty thousand dollars or to imprisonment for two years; and any entry, erasure, or alteration so fraudulently procured shall be void as between all parties thereto.

(3) No proceeding or conviction for any act declared by this Act to be a misdemeanour shall affect any remedy to which anyone aggrieved by the act may be entitled, either at law or in equity.

(4) Nothing in this section contained shall entitle any person to refuse to make a complete discovery by answer in any legal proceeding, or to answer any question or

interrogatory in any civil proceeding, in any court; but no answer to any question or interrogatory aforesaid shall be admissible in evidence against that person in any criminal proceedings under this Act.

Fees.
[2 of 1931]

44. (1) The fees payable to the Registrar shall be regulated by regulations made by the Minister responsible for finance.

(2) All regulations and all tariffs of fees and costs payable to the Registrar made in pursuance of this section shall be laid before the National Assembly at the first Session thereof after they have been made.

Affidavit or
declaration as
to
consideration
for
conveyance.

45. For the purpose of ascertaining the correct duty payable under any future Tax Act which imposes a duty on any conveyances or transports of immovable property and on all transfers of rights over or interests in any State lands held under any lease, licence, or permission, the seller or his attorney and the purchaser or his attorney shall, before the passing of the transport or the completion of the transfer, make and file with the Registrar or the Commissioner of Lands, as the case may be, an affidavit in the case of transports and a declaration in the case of transfers, setting forth the full and true consideration paid or payable for the transport or transfer; but the affidavit or declaration shall not be required where immovable property or the rights or interests in State lands aforesaid is or are proved by affidavit, declaration, or in any other manner to the satisfaction of the Registrar or Commissioner, as the case may be, to have been sold by any auctioneer at public auction.

Forms.
Third Schedule

46. The forms contained in the Third Schedule hereto may, with the variations and additions the circumstances of the particular case require, be used on the occasions to which they respectively apply, and when so used shall be good and sufficient in law.

s. 4(2)

FIRST SCHEDULE

DUTIES OF ASSISTANT SWORN CLERKS

1. Attending on behalf of the Registrar as clerk of court any session of the Supreme Court in its civil or criminal jurisdiction and performing any of the duties legally devolving upon the Registrar in the judicial department or registry of court.

2. Drawing and passing powers ad lites. Drawing and passing any inventory. Sealing when necessary any door, box, trunk, or package of a deceased person.

3. Drawing and passing any act of sealing.

4. Drawing and passing any act of breaking the seals and taking them off.

5. Sealing up when necessary any paper, parcel, box, trunk, or package deposited ad acta.

6. Attending execution sales.

7. Drawing acts of deposit of wills, and drawing and passing acts of deposit of other documents.

8. Registering any act, paper, or document and supplying certified copies of documents recorded or deposited in the registry.

9. Administering any oath, affidavit, or declaration under this Act.

s. 9
[2 of 1931
4 of 1972
R. 28/9/1925
2/1957]

SECOND SCHEDULE

THE DEEDS REGISTRY RULES

1. These Rules may be cited as the Deeds Registry Rules.
2. In these Rules, 'transport clerk' means the clerk assigned by the Registrar to take charge of the conveyancing branch of the registry and the person acting as that clerk.
3. If necessary, the charge of any branch registry may, with the approval of the Minister, be assigned by the Registrar to a sworn clerk and notary public.
4. All deeds, powers, and other documents, other than wills or codicils, tendered for passing, registration, deposit, or record, must be neatly and plainly written, type-written, or printed on vellum or stout and durable paper, with a sufficient margin for binding. No carbon copy of any type-written document will be accepted for the purpose of being filed as of record in the registry. Alterations and interlineations should not be made, and, if unavoidable, they must be properly initialed by the parties to the document.
5. (1) Deeds executed after these Rules come into force by or in favour of women must state whether the women are single, married, or widows, and, in the case of a married woman, must contain the full name of her husband and set forth whether she is married to him with or without community of property or subsequent to the 20th August, 1904.

(2) Women married by antenuptial contract prior to that date must be assisted by their husbands in executing deeds or powers except where, by antenuptial contract duly recorded or deposited, the wife has reserved to herself the right of managing her own property.

6. (1) Any person desiring to pass a transport, mortgage, or lease, required by law to be passed before the Court, shall lodge with the Registrar (or if there is a branch registry in the county, other than the county of Demerara, where the property being dealt with is situate then with the clerk in charge thereof) written instructions setting out the description of the property in question and the name or names of the parties concerned and their several addresses and descriptions, together with the document or documents upon which the right, title, or authority to complete or enter into the transaction is founded, and, in the case of a transport of immovable property shall lodge at the same time the affidavits of purchaser and seller.

(2) Upon receipt of those instructions the Registrar shall cause due notice of the transport, mortgage, or lease to be published once in the *Gazette* on a Saturday.

(3) The instructions shall not be received from any person except the principal, his attorney, or a legal practitioner.

7. The instructions, duly completed and accompanied by all necessary supporting documents, shall be lodged before the hour of three in the afternoon on any day of the week (not being a public holiday) other than Saturday with the transport clerk, who shall note on the former the day and hour of receipt, but no instructions lodged later than Thursday at mid-day in any week shall be advertised on the Saturday during that week.

8. Any person having a right to oppose the passing of a transport, mortgage, or lease shall do so in the manner and subject to the conditions now or hereafter prescribed by rules of court.

9. (1) On receipt of the instructions, and on being satisfied that no opposition has been entered, that the instructions are complete and in order, with all necessary supporting

affidavits and other documents, the transport clerk shall, as soon after the fourteenth day after the notice referred to in rule 5 as is possible, lay them before the Registrar who shall examine them.

(2) If the Registrar decides that the documents and title are in order for passing, he shall sign a certificate to that effect in the form annexed hereto, which certificate shall be affixed to the original transport, mortgage, or lease to which it relates, and thereafter the transaction shall be completed before the Court or the Registrar as the case may be. Whenever the Registrar is available, transports, mortgages, cancelment of mortgages, leases and other documents shall be passed and executed before him and whether executed before a Judge or the Registrar the Registrar shall take charge of the same and file and register them in the Deeds Registry, a grosse thereof being made for the use of the transportees, mortgagees or lessees as the case may be.

10. All instructions and all affidavits lodged with the Registrar shall be retained by him as records of the Deeds Registry and shall on no account whatever be delivered by him to any person. Grosses of transports or other documents of title lodged with the Registrar shall be retained by him until the transaction in connection with which they have been lodged has been completed or abandoned or otherwise determined, when, if by virtue of such transaction they have ceased to have force, they shall be destroyed by him, but, if the case be otherwise, they shall be returned to the person who lodged them. Powers of attorney and other enabling documents lodged with the Registrar may be delivered by him to the person who lodged them whilst the transaction is pending provided the Registrar is satisfied that such persons would be inconvenienced by the retention of the same. Such documents shall be delivered to the person who lodged them when the transaction is completed, abandoned or otherwise determined, save as otherwise provided by these Rules.

11. No transport, mortgage, or lease, or other transaction

to which the afore-mentioned certificate relates shall be passed after the expiration of three months from the date of the certificate, but the instructions and proceedings shall be commenced afresh.

12. In order to facilitate business, whenever instructions are lodged in which any question of fact mentioned in the Act or these Rules arises, a short statement of the several facts and circumstances, together with a table of descent, shall be lodged, if required by the Court or Registrar, with the documents proving those facts and circumstances.

13. Any person wishing to pass any transport, lease, mortgage, or transfer, in which his title is founded upon a will or inheritance *ab intestato*, must produce satisfactory proof to the Registrar of the death of any person whose death it is necessary to prove, or of any other fact affecting the title, and a certified copy of the will shall also be lodged with the instructions.

14. Proof of marriage shall be by affidavit or other evidence to the satisfaction of the Court or Registrar.

15. Proof of marriage by contract shall be by production of the antenuptial contract if it has been duly recorded, or a certified copy thereof if it has been duly deposited, and proof of community of goods shall be by affidavit.

16. Proof of intestacy shall be by certificate of the Registrar that no will is on record in the registry and also by an affidavit of some person who would probably know of the existence of a will, like the intestate's wife or husband, or parents, or children, or other near relative.

17. Proof of a person having died unmarried shall be by affidavit of someone well acquainted with the deceased.

18. Proof of a person having died childless shall be by affidavit of some person well acquainted with the family.

19. Whenever, from the lapse of time since the original title was passed, or otherwise, the Court or Registrar considers proof of the identity of any person passing a transport or mortgage to be necessary, the parties may be required to supply that proof by affidavit.

20. Where land is acquired with special conditions attached, other than conditions in any State grant or lease limiting the right of the owner, those conditions must as long as they remain in force be embodied in every transport of the land, except as regards conditions contained in a State and Government title.

21. No transport or lease of land specially hypothecated under a mortgage bond shall be passed until the mortgage bond has been duly cancelled, but this rule shall not apply to cases in which such land is transported—

- (a) in execution of the judgment of any competent court by the officer appointed by law or by that court;
- (b) by the trustee of the insolvent estate to which the land belongs;
- (c) where the transferee specially accepts in writing the transport or transfer subject to the mortgage;
- (d) under any special provision allowed by the Deeds Registry Act, or any other Act.

22. (1) Every transport or lease must quote the date and number of the grant or transport by which the party transporting or leasing holds, and must also refer to the diagram (if any) of, the property being transported; but no diagram shall be deposited or recorded in the registry until it has been certified by the Commissioner of Lands.

(2) The Registrar with the consent of the parties shall have power to substitute any diagram drawn or corrected by the Commissioner of Lands for the diagram originally presented.

(3) Where two or more distinct properties are to be conveyed by the same deed, each property must be described in a separate paragraph which shall set forth the particulars herein mentioned.

23. Any person seeking to pass a transport, lease, mortgage, or transfer, or to cancel a mortgage or lease, or to perform any act of a similar nature, on behalf of any other person, must lodge with the Registrar the power under which he claims to act at the time when he files his written instructions, but this rule shall not apply to any power which may at the time have been already deposited or recorded in the registry, and of which a certified copy is lodged.

24. (1) A special power of attorney which provides only for the passing of a transport or lease, or the passing of a mortgage, or the cancelment of a mortgage or lease, and provides for no other purpose, shall be as nearly as possible in the form attached hereto and shall, subject to the provisions of the last preceding rule, be filed with the original transport, mortgage, lease, or cancellation to which it relates, and, if executed within Guyana, will not be accepted unless executed before a notary public, or attested by the signatures of two witnesses and by the certificate of a magistrate or justice of the peace that it was on the day and date thereof duly executed by the person therein named, who acknowledged himself to be perfectly acquainted with its true intent and object, and who, to the best of the knowledge and belief of the magistrate or justice, was the person he or she purported to be.

(2) A special power of attorney aforesaid shall plainly set out in the body thereof the duties to be performed on behalf of the principal and fully describe the property to be

transported, or mortgaged, or leased, and shall not be used except in respect of the one transport, mortgage, lease, or cancellation with which it is filed.

25. Certified copies of transports, leases and transfers of leases passed under the Deeds Registry Act will be issued on application should the grosse thereof have been lost or destroyed, on the following conditions —

- (a) the person in whose name the property or right conveyed or secured by such deed stands registered, shall make an affidavit describing the said deed and stating that it has not been pledged and is not being detained or held by anyone whomsoever as security for any debt or otherwise, and that it has been actually lost or destroyed and cannot be found though diligent search has been made, and further setting forth where possible the circumstances under which it was lost or destroyed and if the deponent is unable to give the circumstances such fact should be stated in the affidavit;
- (b) he shall also furnish evidence of his identity on oath to the satisfaction of the Registrar;
- (c) should such person be absent from Guyana, incompetent by reason of any legal disability, or dead, then the affidavit may be made by his legal representative or the legal representative of his estate. In the case of an insolvent, in addition to the insolvent's affidavit an affidavit may be required from the assignee of his estate.

26. (1) Certified copies of mortgage bonds passed before the coming into force of the Deeds Registry Act, or passed and executed in accordance with that Act, or any cession of

those mortgage bonds, will be issued, on application, if the grosse thereof has been lost or destroyed, on the following conditions—

- (a) the person purporting to be the legal holder thereof shall make an affidavit giving a proper description of the bond and stating that it is lost or destroyed, as the case may be, and that at the time when it was so lost or destroyed he was the legal holder thereof, that it was not pledged or ceded to any other persons, that it cannot be found though diligent search for it has been made, and further setting forth where possible the circumstances under which it was lost or destroyed, and if the deponent is unable to give the circumstances the fact should be stated in the affidavit;
- (b) if the person who was or purports to be the legal holder of the bond or cession is incompetent, incapable, dead, or absent from Guyana, the affidavit made by his curator, executor, or lawful representative, as the case may be;
- (c) the holder aforesaid shall also insert three times on three consecutive Saturdays in the Gazette and in a newspaper circulating in the county in which the property the subject of the mortgage is situate, a notice, previously approved by the Registrar, to the following effect with any alterations necessary in each case:

LOST MORTGAGE BOND

Notice is hereby given that I intend applying for a certified copy of a mortgage bond for an amount ofpassed at on the day of, 20, no by[full name of mortgage or and address] in favour of [full name and address of mortgagee] by which [fully describing the property] was bonded. And all persons who may have any claim or right to the said mortgage bond or who may have any objections to the issue of that copy are hereby requested to lodge their objections in writing with the Registrar within six weeks from the publication of this notice.

Dated atthisday of, 20

(Applicant's signature.)

- (d) the legal holder aforesaid shall lodge with the Registrar the affidavit, the numbers and dates of issue of the Gazette in which the notice appeared, and one complete copy of the newspaper of each date on which the notice was published.

(2) After the expiration of the time mentioned in the notice the Registrar shall, if satisfied that no good reason to the contrary exists, grant the certified copy asked for in the place of the lost or destroyed grosse of the mortgage bond or cession, as the case may be; but the copy shall not be issued until he has caused the registers to be searched by a sworn clerk who shall certify in writing that, as far as can be ascertained from the registers and records, the mortgage bond or cession has not been cancelled or ceded, as the case may be, by the person by whom or by whose representative the application is made.

27. No grosse of any transport, mortgage, lease, or other document, and no copy of any deed issued in place of the lost or destroyed grosse, or of any copy of any mortgage bond or cession thereof hereinbefore mentioned shall be delivered to the person entitled to receive it unless he, or his agent duly authorised in writing has previously granted on the original deed or instrument a receipt for that grosse or copy, or, in the case of persons residing at a distance from Georgetown or New Amsterdam, has transmitted to the Registrar a written receipt duly witnessed therefor, and in the latter case the grosse or copy shall thereupon be transmitted by post to the person granting the receipt at his risk.

28. Certified copies of deeds conveying or mortgaging immovable property required for judicial purposes will be issued only on receipt of a written application, signed by a duly admitted legal practitioner, or, if there is no counsel employed in the case, then on the written application of the party, giving full particulars of the purpose for which the copy or copies is or are required and having the words „Issued for judicial purposes only in *naming the cause or matter+` plainly and legibly written in large letters across every page of every copy so issued. That copy shall on no account whatsoever be used for any purpose other than that for which it is issued.

29. Every power of attorney, declaration, or affidavit required or allowed by any of the foregoing rules shall state in the body thereof by whom it has been drawn, and any power of attorney, declaration, or affidavit drawn by anyone other than the person on whose behalf it is to be used, or by a legal practitioner, shall not be received.

30. Every deed of transport of immovable property shall, subject to any necessary alterations, be as nearly as possible in one of the forms attached hereto.

r. 9

CERTIFICATE OF REGISTRAR (Nature of

transaction is to be stated here.)

I hereby certify that I have examined, checked and satisfied myself as to the sufficiency of the title of [give name of transferor, mortgagor, or as the case may be] to pass the above-mentioned..... (transport, mortgage, or as the case may be) of[state property shortly] to and in favour of[state transferee, mortgagee, or as the case may be].

Dated at Georgetown, thisday of20...

Registrar

r. 30

TRANSPORT
Guyana

County of.....

BeforeChief Justice or Puisne Judge of Guyana aforesaid.

Be it known that on this day theof in the year two thousand and appeared which appearer declared by these presents to cede, transport, and in full and free property to make over to and in favour of his heirs, executors, administrators and assigns [here describe fully the property] being of the value of dollars of the current money of Guyana aforesaid, transported on the the appearer..... acknowledging to be fully paid and satisfied for the same. And appeared at the same time who declared to accept of the foregoing transport and to be satisfied therewith.

In testimony whereof the parties have hereunto set their hands and I, the said judge, together with the transport clerk, have countersigned the same the day and year first above written, the seal of the Court being affixed hereto.

r. 30

TRANSPORT
Guyana

County of.....

Be it known that in obedience to a judgment (or order) of the High Court (or of the honourable in chambers, as the case may be) under the Deeds Registry Act, before Chief Justice or Puisne Judge of Guyana appeared an officer of the Court, which appearer declared by these presents to cede, transport, and in full and free property to make over, to and in favour of his heirs, executors, administrators and assigns [*here describe fully the property*] being the value of dollars of the current money of Guyana. And appeared at the same time who declared to accept the foregoing transport and to be satisfied therewith.

In testimony whereof the parties have hereunto set their hands and I, the said Judge, together with the transport clerk have countersigned the same the day and year first above written, the seal of the Court being affixed hereto.

r. 23

SPECIAL POWER OF ATTORNEY TO TRANSPORT OR
MORTGAGE

I, of do hereby constitute and appoint of to be my true and lawful attorney and agent for the special purpose hereinafter expressed, that is to

say, in my name and on my behalf to appear before a Judge of the High Court of Guyana and then and there to give and pass transport of (or as the case may be) [here describe the property] sold by me to (or mortgaged as the case may be, and the amount of the mortgage) of to the said in due and customary form, and generally for effecting the purpose aforesaid to do whatsoever shall be requisite as effectually to all intents and purposes as if I myself could do if present and acting in person, and all and whatsoever my said attorney shall lawfully do or cause to be done in the premises I agree to allow and confirm.

In witness whereof I have hereunto set my hand at thisday of two thousand and before and in the presence of the subscribing witnesses.

As Witnesses.

- 1.
- 2.

Signed before me, the..... to the best of my knowledge and belief being the person he/she purports to be and appearing fully to understand the effect hereof.

Magistrate or Justice of the Peace

s. 46

 THIRD SCHEDULE
 FORMS

FORM 1
 DECLARATION OF SELLER

County of Demerara.

I, A.B. (occupation and residence) do solemnly and

sincerely declare*—

(1) that on the..... day of20...., I sold to C.D. the property herein described, that is to say (*here describe the property*) and that the full and true consideration passing to me for the sale is the sum of And I further state that there is not any agreement, condition, or undertaking between me and the said C.D. whereby he is to pay or has paid to me or to any other person whomsoever for or in respect of or in connection with the purchase by him of the said property any sum of money over and above the said sum of..... save and except certain charges under the heading of stamp duty or registrar's fees.

(2) And I further state in respect of the said sale that I have not received and that I am not to receive nor has any other person received nor is any other person to receive for my use or benefit or at my instance or request any valuable consideration besides the said sum of.....

(3) †All of which I declare to be the absolute truth without any reservation whatever, and according to the Statutory Declarations Act.

c. 5:09

Sworn

Declared before me atthis.....day
of....., 20.....

**If for a transport, say , being duly sworn make oath and say as follows—`.*

†Omit if for a transport.

FORM 2
DECLARATION OF PURCHASER

County of Demerara.

I, C.D. (*occupation and address*) do solemnly and sincerely declare*—

(1) That on the day of 20....., I bought from A.B. the property herein described (*here describe the property*) and that the full and true consideration paid or to be paid by me for the property whether to the said A.B. or to any other person in connection with the sale is the sum of.....

(2) And I further state that I have not nor has any other person to my knowledge on my account paid nor is there by me or on my behalf to be paid any other valuable consideration for or in respect of or in connection with the alienation to me of the said property, save and except certain stamp duty and Registrar's fees.

(3)† All of which I declare to be the absolute truth without any reservation whatsoever, and according to the Statutory Declarations Act.

____ Sworn

Declared before me atthis day of, 20.....

* If for a transport, say ,being duly sworn make oath and say as follows— `.

†Omit if for a transport.

s. 22A.

**FORM 3
PROHIBITION**

To the Registrar of Deeds

Take notice that I,..... of claim to be entitled to a conveyance in and to the following property:

.....
now standing in the name of of.....
pursuant to a written agreement of sale and purchase dated..... attached hereto and I forbid the conveyance, mortgage or charge of this property to any third party until after notice of the intended conveyance or mortgage or charge has been given to me.

Particulars upon which such claim is founded:

.....
My address for service is:.....

.....
Signature of Prohibitor Attorney-at-Law

STATUTORY DECLARATION

I, the above-named..... (or Attorney-at-Law) do solemnly and sincerely declare that the statements in the above prohibition are true in substance and in fact and the agreement dated..... in respect of the property the subject of this prohibition is valid and subsisting and meets the requirements as laid out in the Deeds Registry Act, Cap 5:01 (as I have been informed by the above-named..... and verily believe) I make this declaration.”.