
First Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 51 of 1976

Handwritten notes: *Thurs 10-1 III 839*
" " I 650
" " A 1962 (S)
" " III 1006

[L.S.]

AN ACT to amend various enactments relating to the transfer of property.

[Assented to 24th December, 1976]

ENACTED by the Parliament of Trinidad and Tobago, as Enactment follows:—

1. This Act may be cited as the Law Reform (Property) Short title Act, 1976.

Ch. 27. No. 12
amended

2. The Conveyancing and Law of Property Ordinance is amended—

- (a) by repealing section 5 and replacing it by the following section:

“Statutory
commence-
ment of title

5. In the completion of any contract of sale of land after the commencement of the Law Reform (Property) Act, 1976, and subject to any stipulation to the contrary in the contract, thirty years shall be the period of commencement of the title which a purchaser may require; nevertheless earlier title than thirty years may be required in cases similar to those in which earlier title than forty years immediately before the commencement of the said Act could have been required.”;

- (b) by inserting immediately after section 32 the following section:

“Conveyance
of land
subject to
mortgage
after release
of mortgage

32A. (1) Subject to section 16 and any other provision of this Ordinance, where a deed of conveyance of land that is subject to a mortgage is executed by the mortgager or other person entitled to the equity of redemption and the deed of release of the mortgage is subsequently executed by the mortgagee or his successor in title, all the estate right, title, interest, claim or demand that the deed of release is effectual to pass shall be deemed to vest in the person entitled to the equity of redemption at the time of the execution of the deed of release although such person is not a party to the deed of release.

(2) This section does not apply to a mortgage or discharge of a mortgage effected under the

(3) This section applies to a deed of conveyance or deed of release of a mortgage executed before or after the commencement of the Law Reform (Property) Act, 1976.

(4) In this section:—

“deed of release” includes a deed of reconveyance and a partial deed of release or reconveyance;

“mortgage” includes a statutory mortgage under Part IV; and

“mortgager” shall be construed accordingly.”;

(c) in section 55:

(i) by inserting in subsection (1) the words “other than a power of attorney to which subsection (2) applies” immediately after the words “power of attorney”;

(ii) by renumbering subsection (2) as subsection (3) and inserting the following as subsection (2):—

“ (2) Where a person is authorised under a power of attorney or under any statutory or other power to convey any interest in property in the name or on behalf of a corporation sole or aggregate he may as attorney execute the conveyance by affixing the name of the corporation and his own signature thereto in the presence of at least one witness not being a party thereto, and such execution shall take effect and be valid in like manner as if the corporation had executed the conveyance.”.

Ch. 5. No. 2
amended

3. In section 2 of the State Suits Limitation Ordinance the words "forty years" wherever they appear are repealed and replaced by the words "thirty years".

Act No. 2 of
1962 amended

4. The Interpretation Act, 1962 is amended by the insertion immediately after section 19 of the following section:

"Executing
documents
by attorneys
of Corpora-
tions

19A. For the removal of doubt it is declared that a corporation has and always has had the power by instrument under its common seal to appoint an attorney to execute deeds and other documents on its behalf in respect of any matter."

Ch. 28. No. 2
amended

5. The Registration of Deeds Ordinance is amended—

(a) in section 2 by the repeal of the definition of "British Minister or Consul" and by the substitution for the definition of "Mayor of any city, town or borough in the United Kingdom" of the following definition:—

" "Mayor of any city, town or borough" includes the Chief Magistrate and the Deputy Mayor of any city, town or borough and any Magistrate acting in the name and on the behalf of any such Mayor or Chief Magistrate;"

(b) by repealing section 10 and replacing it by the following section:

"Proof of
deed
executed
abroad

10. (1) In any case in which a deed shall have been executed by a person outside of Trinidad and Tobago, the oath of the witness proving the same may be made—

(a) in Trinidad and Tobago before—

- (i) a Judge of the Supreme Court;
- (ii) the Registrar General;
- (iii) a Notary Public;
- or
- (iv) a Commissioner of Affidavits;

(b) in any place within the Commonwealth, or within the United States of America, before—

- (i) a Trinidad and Tobago diplomatic agent or consular officer;
- (ii) a judge of a court of record;
- (iii) the mayor of any city, town or borough; or
- (iv) a Notary Public;

(c) in any place outside the Commonwealth other than the United States of America, before—

- (i) a Trinidad and Tobago diplomatic agent or consular officer;
or
- (ii) a notary public, if the fact that he is a notary public in the place is certified or purports to be certified under the hand and seal of a Trinidad and Tobago diplomatic agent or consular officer.

(2) The making of an oath under this section shall be certified under the hand and seal, if any, of the person before whom it is made, and judicial notice shall be taken of the signature and seal of such person.

(3) The Minister may, by order published in the *Gazette*, prescribe fees, and the manner of payment thereof, for the taking under this section of an oath before a Trinidad and Tobago diplomatic agent or consular officer.

(4) Any oath of a witness proving the execution of a deed outside Trinidad and Tobago made before a Trinidad and Tobago diplomatic agent or consular officer before the coming into operation of this section shall be deemed to be and always to have been as valid and effectual as if at the time of the making of the oath this section had been in operation.

(5) The reference in the former section 10 of this Ordinance replaced by this section to the United Kingdom and to any British Colony, Possession, or Dependency shall be deemed always to have included a reference to any place within the Commonwealth.

(6) In this section—

“the Commonwealth” means any country to which section 18 of the Constitution for the time being applies and any dependency of any such country;

“Trinidad and Tobago diplomatic agent or consular officer” shall be construed in accordance with section 2 of the Diplomatic Agents and Consular Officers (Oaths and Notarial Acts) Act, 1971;

“Minister” means the member of the Cabinet to whom responsibility for External Affairs is assigned;
“oath” includes a solemn declaration.”;

- (c) in section 11, by inserting the words “or Notary Public” immediately before the words “or a Commissioner of Affidavits”.

Passed in the Senate this 23rd day of November, 1976.

R. L. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 3rd day of December, 1976.

J. E. CARTER
Clerk of the House

THE MARRIED PERSONS ACT, 1976

Arrangement of Sections

Section

- 1 Short title and commencement
- 2 Interpretation
- 3 Capacity of married women
- 4 Property of married women
- 5 Undivided shares and joint ownership
- 6 Married woman as sole protector of settlement
- 7 Abolition of restraint upon anticipation
- 8 Contributions of spouses to improvement of property
- 9 Money and property derived from housekeeping allowance
- 10 Investments by wife of money of husband without his consent
- 11 Moneys payable under policies of insurance not to form part of estate of the insured
- 12 Questions between husband and wife as to property may be decided in summary way
- 13 Time limit for bringing application under section 12
- 14 Criminal proceedings by married persons in respect of their property
- 15 Actions in tort between husband and wife
- 16 Abolition of husband's liability for wife's torts and ante-nuptial contracts, debts and obligations
- 17 Savings
- 18 Amendment of enactments
- 19 Schedule

