

LAWS OF TRINIDAD AND TOBAGO

REGISTRATION OF DEEDS ACT

CHAPTER 19:06

Act
18 of 1884
Amended by
36 of 1908
7 of 1913
3 of 1933
16 of 1937
19 of 1939
5 of 1973
51 of 1976
7 of 1977
*24 of 1981
4 of 1985

*See Note on Application of Act on Page 2

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-6	1/1990
7-12	1/1983

Note

on

Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note

on

Application of Act

The Land Registration Act 1981 [Act 24 of 1981—section 122(1) and the First Schedule,] provides for the repeal of this Act “so far as it relates to registration of deeds or other documents affecting unregistered land”, but up to the current Law Revision Date of this Act (31st December, 1985) the Land Registration Act 1981 had not yet been brought into operation.

Note

See section 4(4) of the Minister of Finance (Incorporation) Act, Ch. 69:03, relating to the execution of any deed by the Corporation Sole.

CHAPTER 19:06

REGISTRATION OF DEEDS ACT

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CHAPTER 19:06

REGISTRATION OF DEEDS ACT

1950 Ed.
Ch. 28 No. 2.
18 of 1884.

An Act relating to the execution, registration and admission in evidence of deeds, and to provide for the protection of purchasers and mortgagees.

Commencement.

[1ST JANUARY 1885]

Short title.

1. This Act may be cited as the Registration of Deeds Act.*

Interpretation.
[51 of 1976
4 of 1985].

2. (1) In the application of any rule or principle of the Common or Statute Law of England, the expression "deed" shall be substituted for any expression in such rule or principle importing a bond, obligation, contract, instrument or writing under seal.

(2) In this Act—

"lands" includes messuages, tenements, and hereditaments, corporeal and incorporeal, of every tenure or description, whatever may be the estate or interest therein;

"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 behalf of any such Mayor or Chief Magistrate;

"qualified functionary" means a Judge of the Supreme Court, a Justice, a barrister, a conveyancer or the Registrar of the Supreme Court;

"registered" means registered in the office of the Registrar General.

Ch. 59:54.

(3) For the purposes of this Act a memorandum of a statutory lease executed in accordance with the provisions of the land Tenants (Security of Tenure) Act, shall be deemed to be a deed registrable under this Act.

*As regards application of this Act, see Note on Application of Act on page 2.

EXECUTION AND REGISTRATION OF DEEDS

3. Every deed executed in Trinidad and Tobago or elsewhere, in the presence of and attested by one witness at least not being a party thereto, shall be held and taken in law to be a specialty, and shall otherwise as a deed be valid and effectual for all purposes; and nothing in this section shall give an unregistered deed any effect or operation which by law is dependent on registration.

Unregistered deeds.

4. Any deed, although it is not required by law to be registered, may at the option of any party to the deed be registered under this Act.

All deeds may be registered.

5. No deed shall be registered unless it is in the English language, and unless the execution of it by every person who has executed it is proved upon the oath or solemn declaration of one of the witnesses attesting the execution.

Conditions of registration.

*5A. *No deed which purports to grant, transfer or affect the title to any land, or any interest in any land, and to which any map, plan or diagram of such land is attached shall be registered under this Act unless such map, plan or diagram is certified by a licensed Surveyor within the meaning of the Land Surveyors Ordinance.*

Maps, etc., attached to deeds affecting land.

[20 of 1952].
Ch. 27 No. 2.
(1950 Ed.).

6. As to the personal acts required for the execution of a deed in Trinidad and Tobago, it is hereby declared that it is and always has been necessary and sufficient that the person executing do sign and as his act and deed deliver the deed.

Requirements for due execution.

This section does not apply to the execution of a deed by a corporation.

7. (1) Any deed may be registered—

- (a) if the execution thereof by every party who, in Trinidad and Tobago, executes the same is made and attested as follows; that is to say, the deed must be executed in the presence of one witness at least not being a party thereto and of a qualified functionary, and the signing and delivery thereof must be attested by one such witness at least subscribing his name with the addition of his place of abode or business and his profession, occupation or condition in life,

Registration of deed executed in or partly in Trinidad and Tobago.

*This section has been repealed by the Land Registration Act 1981 (Act 24 of 1981) but up to the date of the revision of this Chapter, the Land Registration Act 1981 had not yet been brought into operation.

and by the qualified functionary subscribing his name with the addition of his qualification under this section; and

- (b) if the execution thereof by every party who, out of Trinidad and Tobago, executes the same is made and attested according to this Act.

(2) A qualified functionary shall not subscribe a deed under this section unless it bears the signature of some barrister or certificated conveyancer as having prepared such deed.

Registration of deed executed out of or partly out of Trinidad and Tobago.

8. Any deed may be registered—

- (a) if the execution thereof by every person who, out of Trinidad and Tobago, executes the same is made and attested as follows, that is to say, the deed must be executed in the presence of one witness at least, not being a party thereto, and the signing and delivery thereof must be attested by one such witness at least subscribing his name with the addition of his place of abode or business and his profession, occupation or condition in life; and
- (b) if the execution thereof by every person who, in Trinidad and Tobago, executes the same is made and attested according to the provisions of this Act in that behalf.

Registration of bonds, etc., given to the State.

9. Any deed under which any person, with or without a surety or sureties, becomes accountable to the State or responsible to the State for the due discharge of any duties, may be registered if the execution thereof by every person who, in Trinidad and Tobago or elsewhere, executes the same is made and attested as follows, that is to say, the deed must be executed in the presence of one witness at least not being a party thereto, and the signing and delivery thereof must be attested by one such witness at least subscribing his name, with the addition of his place of abode or business and his profession, occupation or condition in life.

Proof of deed executed abroad.
[51 of 1976].

*10. (1) In any case in which a deed has 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;

*As regards application of this section, see Note on Application of Act on page 2.

- (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 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 24th December 1976 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 Act 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;

Ch. 17:03.

“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;

“Minister” means the Minister responsible for External Affairs; “oath” includes a solemn declaration.

In case of deeds executed in Trinidad and Tobago before whom affidavit may be made. [22 of 1955 51 of 1976].

Form A. Schedule.

11. In all cases in which a deed is executed by any person within Trinidad and Tobago, the affidavit or solemn declaration of the witness proving such execution may be made before a Judge of the Supreme Court, or Notary Public, or a Commissioner of Affidavits, or before any justice by whom as a qualified functionary the signing and delivery of the deed is attested. The affidavit or declaration may be in the Form A in the Schedule, and may be endorsed upon, or written at the foot or in the margin of, the deed, or may be separate and refer to the deed as an exhibit.

Bankruptcy and Trustee orders.

Ch. 8 No. 3. (1950 Ed.).

12. All adjudications of bankruptcy made by the Supreme Court, and all adjudications or orders made by any competent Court in the United Kingdom and intended to affect any lands in Trinidad and Tobago belonging to any bankrupt, and all copies of orders to be made by the Supreme Court under the Trustee Ordinance,* and which copies are by the said Ordinance required to be registered, shall be registered with deeds, and shall be indexed in the index of deeds under the letter of the alphabet corresponding with the initial letter of the surname of every such bankrupt, and of every trustee to be named in any such order, with the christian name and surname at full length of every such bankrupt or trustee.

Registration numbers, endorsement of time of receipt and manner of registration. [7 of 1977].

†**13.** (1) All deeds registered in each year shall be numbered consecutively in order of time of being registered.

(2) The year, month, day, hour and minute when a deed is registered shall be endorsed thereon.

(3) Upon registration of a deed the Registrar General shall cause—

*The Trustee Ordinance (Ch. 8 No. 3—1950 Ed.) has been repealed by the Trustee Act 1981 (Act 21 of 1981) but up to the date of the revision of this Act, the Trustee Act 1981 had not yet been brought into operation.

†As regards application of this section, see Note on Application of Act on page 2.

(a) to be endorsed upon or annexed to it a certificate in the Form B in the Schedule signed by the Registrar General; Form B. Schedule.

(b) every page in the deed to be stamped with a stamp bearing the word "Registered",

and he shall cause it to be entered in all the appropriate Indexes of Deeds kept in accordance with section 4 of the Registrar General Act. Ch. 19:03.

(4) A certificate endorsed upon or annexed to a deed under subsection (3)(a) shall be admissible as *prima facie* evidence of the matters therein certified.

(5) On accepting a deed or any other document for registration, the Registrar General shall cause to be delivered to the person delivering the same a receipt stating the names of the parties to, the date of registration of, the fees paid in respect of, and the number assigned to such deed or other document.

14. All deeds registered in each year shall, as soon as conveniently may be, be bound up in convenient volumes marked on the back thereof with the year in which the same shall be registered, and numbered in regular series according to the order of such volumes. Deeds to be bound.

15. Where any deed, by reason of its form or of the material on which the same is written or engrossed, cannot conveniently be so bound up, the Registrar General shall cause a true and correct transcript of the same, certified under his hand, to be inserted in lieu thereof in the proper volume, and in its proper order according to its distinguishing number, and shall retain and keep in his custody the original deed whereof such transcript shall be so made. Where deed cannot be bound, a copy to be bound.

PRIORITY OF DEEDS AND PROTECTION OF PURCHASERS AND MORTGAGEES

16. (1) Every deed whereby any lands in Trinidad and Tobago may be in any way affected at law or in equity shall be registered under this Act, and every such deed duly registered shall be good and effectual both at law and in equity, according to the priority of time of registering such deed, according to the right, title and interest of the person conveying such lands against every other deed, conveyance or disposition of the same lands or any part thereof, and against all creditors by judgment of the same person so conveying such land. Priority of deeds according to time of registration.

Unregistered
deeds.

(2) Every such deed that is not duly registered shall be adjudged fraudulent and void as to the lands affected by such deed against any subsequent purchaser for value or mortgagee without notice of the same lands or any part thereof, whose conveyance shall be first registered.

Marriage
settlements.

17. All settlements and articles for a settlement which may be made in consideration of any marriage, and which shall be registered under this Act, shall take effect according to the priority of time of registering the same, notwithstanding that such settlement or articles shall not have been registered before the celebration of such marriage.

Deeds of gift
and settlements
to be registered
within limited
time.

18. (1) Every deed of gift and every settlement executed after 29th of March 1933, shall be registered within a period of twelve months from the date of the execution thereof; and any such deed of gift or settlement may be registered after the said period of twelve months upon payment to the Registrar General of a sum equal to five times the amount of the fees which would have been chargeable for registration if the deed of gift or settlement had been registered within the said period, together with such further penalty not exceeding the sum of two thousand dollars as the President may think proper to impose.

Deeds of gift or
settlements
effectual only
on registration.

(2) No deed of gift or settlement, until registered in manner hereinbefore prescribed, shall be effectual to pass any estate or interest in any land sought to be affected thereby, or to render such land liable as security for the payment of money.

Definition.

(3) For the purposes of this section—

Ch. 27 No. 11.
(1950 Ed.).

“deed of gift” means any deed, or any instrument under the provisions of the Real Property Ordinance,* whereby any real property is transferred from one person to another gratuitously;

“settlement” means any deed, or any instrument under the provisions of the Real Property Ordinance, or any number of such deeds or instruments, whether for value or not, under or by virtue of which any lands of any tenure or any estates or interests in any such lands stand limited to or in trust for any persons, by way of succession, including any such deeds or instruments affecting the estate of any one or more of such persons exclusively.

*The Real Property Ordinance (Ch. 27 No. 11—1950 Ed.) has been repealed by the Land Registration Act 1981 (Act 24 of 1981) but up to the date of the revision of this Act, the Land Registration Act 1981 had not yet been brought into operation.

PRODUCTION OF DEEDS IN EVIDENCE

19. Every deed or other document duly registered under this Act, or a copy thereof certified under the hand of the Registrar General or of his Deputy, shall be admissible in evidence without any further proof of the execution or registration of the same. Evidence.

20. No power of attorney shall be admitted in evidence in any suit, action or other proceeding unless the same shall be executed and registered in the manner directed by this Act for the execution and registration of deeds. Powers of Attorney.

*21. Without prejudice to the operation of the other provisions of this Act section 13 and Form B of the Schedule shall apply to deeds registered at the office of the Registrar General before or after 7th March 1977 and every deed not certified before that date shall be certified pursuant to the provisions of section 13 and shall be deemed to be a valid authentic and effectual record for the purposes of the Act. Declaration. [7 of 1977].

SCHEDULE

FORM A

Sections 11 and 13. [7 of 1977].

I, *A.B.*, of make oath and say (*or do solemnly affirm and declare*) that I was personally present on the day of, 19, at [*place*] and did then and there see *C.D.*, one of the parties (*or C.D. and G.H.* parties) to the within written Deed (*or to the Deed now produced and shown to me and marked*) purporting to be a Deed Poll (*or a Deed of parts*) and made by (*or between*) [*name the parties to the deed*] sign and deliver the same as and for his (*her or their*) Deed; and that the signature (*or signatures*) thereto subscribed is (*or are*) of the proper handwriting of the said *C.D.* (*or C.D. and G.H.*) and that the signatures "*A.B.*" and "*I.J.*" to the said Deed subscribed as of the witnesses to the execution of the same by the said *C.D.* (*or C.D. and G.H.*) are of the proper handwriting of me this deponent (*or declarant*), and of the said *I.J.*

Sworn (*or declared*) at (in the Town of) this day of, 19

Before me

E.F.,
Commissioner of Affidavits
[*or as the case may be.*]

Where the Deed is made an exhibit a Memorandum of identity must be endorsed upon or written at the foot or in the margin of such Deed, which Memorandum may be as follows:

This is the Deed marked referred to in the Affidavit (*or solemn declaration*) of *A.B.* sworn (*or declared*) before me this day of, 19

E.F.,
Commissioner of Affidavits
[*or as the case may be.*]

*As regards application of this section, see Note on Application of Act on page 2.

FORM B

The Registration of Deeds Act, Ch. 19:06

Certificate of Registration

IT IS HEREBY CERTIFIED that the within written (or annexed) Deed dated the day of 19....., and expressed to be made between and written on pages with attached, is registered in the office of the Registrar General, Port-of-Spain, at minutes o'clock in the noon of the day of, 19 as No. of 19.

.....
Registrar General
