



## TRINIDAD AND TOBAGO.

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No. 19—1939.

[L.S.]

I ASSENT,

HUBERT YOUNG,

*Governor*

20th July, 1939.

AN ORDINANCE to amend the Real Property Ordinance  
and other Ordinances.

[1st September, 1939.]

Commencement

**E**NACTED by the Governor of Trinidad and Tobago with  
the advice and consent of the Legislative Council  
thereof.

1. This Ordinance may be cited as the Law of Property <sup>Short title.</sup>  
and Registration (Miscellaneous Amendments) Ordinance,  
1939, and shall come into operation on the 1st September,  
1939.

Cap. 49, sec. 3  
amended.

2. The following shall be substituted for paragraph (4) of section 3 of the Leases and Sales of Settled Estates Ordinance, namely :—

(4) Every such lease shall be by deed, and shall contain a condition for re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf.

Cap. 160,  
sec. 49  
amended.

3. The following subsections numbered (2) and (3) shall be added to section 49 of the Real Property Ordinance :—

Incorporation  
of the  
provisions of  
certain  
registered  
deeds.

(2) An instrument under this Ordinance and a deed registered in the Register of Deeds which together carry into effect any sale, gift, settlement, partition, mortgage or lease of, or other dealing with land, whereof one portion is and another portion is not under the provisions of this Ordinance, shall be read and construed together, and such instrument may incorporate by reference any of the provisions of such deed : Provided that no provisions contained in such deed shall be deemed to affect any purchaser from a registered proprietor with notice of any trust affecting land under this Ordinance : Provided further that on the registration of such instrument the Registrar General shall be furnished with the registered number of such deed.

(3) The preceding subsection applies to all instruments therein mentioned and registered after the 1st of January, 1896.

Cap. 160,  
sec. 75  
amended.

4. The following subsection numbered (2) shall be added to section 75 of the Real Property Ordinance :—

Sub-  
mortgage.

(2) A mortgagee may create a charge of his interest in a mortgage, and the person in whose favour such charge is created shall be deemed the transferee of such interest, and shall have all rights and powers as such, subject to the provisos and conditions expressed in the instrument creating the charge or implied therein.

5. (1) The first proviso to section 100 of the Real Property Ordinance is hereby amended by substituting for the words "such evidence as he may require" the following words :—

Cap. 160,  
sec. 100  
amended.

"a request in writing stating the registered number of the probate of the will or the letters of administration of the estate of such deceased proprietors together with such further evidence as the Registrar General may require."

(2) The second proviso to section 100 is hereby amended by inserting the words "or of any mortgage, encumbrance or lease affecting land" between the words "land" and "forming" occurring in the third line thereof.

6. Section 110 of the Real Property Ordinance is hereby repealed and is replaced by the following :—

Cap. 160,  
sec. 110  
repealed and  
replaced.

"Whenever any mortgage, encumbrance or lease affecting land under the provisions of this Ordinance shall be transmitted in consequence of the will or intestacy of the registered proprietor thereof, the personal representative of such registered proprietor shall be registered as proprietor of such mortgage, encumbrance or lease on payment of the prescribed fee and on furnishing the Registrar General with a request in writing stating the registered number of the probate of the will or letters of administration of the estate of such deceased proprietor together with such further evidence as the Registrar General may require."

Registration  
of personal  
representative  
in respect of  
mortgage,  
encumbrance  
or lease.

7. Section 3 of the Landlord and Tenant Ordinance is hereby amended by inserting the words "for a term exceeding three years" after the word "lease" in the first line thereof.

Cap. 166,  
sec. 3  
amended.

8. Section 3 of the Registrar General's Ordinance is hereby amended by the addition thereto of the following subsection :—

Cap. 173,  
sec. 3  
added to.

(3) The Registrar General and every Deputy Registrar General shall be *ex officio* Commissioners of Affidavits under the Commissioners of Affidavits Ordinance,

Cap. 173  
Schedule  
repealed and  
replaced.

**9.** The Schedule to the Registrar General's Ordinance is hereby repealed and is replaced by the Schedule to this Ordinance.

Cap. 174,  
sec. 16  
amended.

**10.** Subsection 2 of section 16 of the Registration of Deeds Ordinance is hereby amended by inserting the words " for value " after the word " purchaser " in the 3rd line.

Cap. 185,  
sec. 21  
repealed and  
replaced.  
Fees.

**11.** Section 21 of the Bills of Sale Ordinance is hereby repealed and is replaced by the following :—

**21.** The following fees shall be paid to the Registrar, namely :—

On registering any bill of sale, transfer, or assignment by which any property is sold, mortgaged or assigned, when the consideration money expressed to be paid does not exceed \$120 .. .. .	\$1.20
And when such consideration money exceeds the sum of \$120 and does not exceed the sum of \$240 .. .. .	2.40
And when such consideration money exceeds the sum of \$240 .. .. .	4.80
On the affidavit or instrument used for the purpose of re-registering or discharging a bill of sale or bills of sale, in respect of each bill of sale so re-registered or discharged—	
When the consideration money does not exceed the sum of \$120 .. .. .	60
When the consideration money exceeds the sum of \$120 .. .. .	1.20

Cap. 188,  
sec. 5  
amended.

**12.** Subsection (1) of section 5 of the Merchandise Marks Ordinance shall have effect as if there were added to paragraph (d) thereof the following :—

Provided that goods delivered in pursuance of a request made by reference to a trade mark or mark or trade description appearing in any sign, advertisement, invoice, wine list, business letter, business paper or other commercial communication, shall, for the purposes of this paragraph be deemed to be goods in connection with which the trade mark or mark or trade description is used,

13. Section 2 of the Casual Revenue Ordinance is hereby amended by inserting after the words "droits of the Crown" in the 2nd line the following words: "(except the personal estate devolving on the Crown through the death of any person wholly or partially intestate and without heirs or next of kin)." Cap. 209, sec. 2 amended.

14. In the interpretation of the word "settlement" in section 2 of the Registration of Deeds of Gifts Ordinance, the following shall be deleted—the words "or will" in the 1st line, and the word "wills" in the 4th and 9th lines respectively. Ord. No. 3 of 1933, sec. 2 amended.

## SCHEDULE.

(Section 9.)

For registering any deed (other than a lease, an agreement for a lease, or a bill of sale) by which any property real or personal shall be granted, sold, mortgaged or assigned, where the consideration money by such deed expressed to be paid or secured—	
does not exceed \$240	... .. \$2 40
exceeds \$240 but does not exceed \$4,800	... .. 4 80
exceeds \$4,800	... .. 9 60
For the registration of any lease or agreement for a lease, in respect of which no premium is paid and where the rent secured—	
does not exceed \$48 per annum	... .. 2 40
exceeds \$48 but does not exceed \$480 per annum	... .. 4 80
exceeds \$480 per annum	... .. 9 60
For the registration of any lease or agreement for a lease, in respect of which a premium is paid, and such premium—	
does not exceed \$240	... .. 2 40
exceeds \$240 but does not exceed \$4,800	... .. 4 80
exceeds \$4,800	... .. 9 60
Provided that where the consideration for a lease is both a premium and a rent, a single registration fee only shall be paid calculated either on the premium or on the rent reserved, whichever shall be the greater.	
For the registration of every deed of gift	... .. 4 80
For the registration of all letters of administration <i>de bonis non</i>	... .. 1 20
For the registration of a minute of final judgment or a <i>lis pendens</i> under the Remedies of Creditors Ordinance	... .. 20
For entering a memorandum of satisfaction of a registered judgment or for discharging a <i>lis pendens</i> under the said Ordinance	... .. 60

For the registration of every power of attorney, or deed of revocation of a power of attorney, or statutory declaration of the death or disability of the principal	\$4 80
For the registration of any other deed or instrument not herein or otherwise provided for	4 80
For every copy of any deed, will or other document for every 120 words in addition to the certificate	24
For the certificate of correctness of any such copy	1 20
For any other certificate	5 04
For every general search of the indexes, or the town or country books, for each day	1 20
For examining any deed, will or other document	24
And where any extract shall be taken, for every 120 words	24
For the search of a single index	12
For the search of a single town or country book	24
For searching the files of newspapers, for each volume examined	24
Attendance in Court on any subpoena to produce any deed or any other document in custody of the Registrar General	2 52

Passed in Council this sixteenth day of June, in the year of Our Lord one thousand nine hundred and thirty-nine.

W. E. BOARDMAN,  
*Clerk of the Council.*