

CAYMAN ISLANDS



REGISTRATION (LAND) LAW

(1996 Revision)

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REGISTRATION (LAND) LAW

(1996 Revision)

Short title

1. This Law may be cited as the *Registration (Land) Law (1996 Revision)*.

Definitions

2. In this Law —

“**conveyance**” includes a lease, assent, vesting declaration, vesting instrument, disclaimer, release and every other assurance of land or of interest therein by instrument, except a will;

“**encumbrance**” includes a legal or equitable mortgage, a charge, a trust for securing money, a lien, and a charge of a portion annuity, or other capital or annual sum;

“**encumbrancer**” has a meaning corresponding with that of encumbrance, and includes every person entitled to the benefit of an encumbrance, or to require payment or discharge thereof;

“**land**” includes land of any tenure and tenements and hereditaments, corporeal or incorporeal, and houses and other buildings, also undivided share in land;

“**purchaser**” means any person (including a mortgagee or lessee) who, in good faith and for valuable consideration, takes any interest in land or charge on land;

“**valuable consideration**” includes marriage but not a nominal consideration in money; and

“**Registrar**” means the person appointed Registrar of Lands or the Public Recorder for the time being performing the duties of Registrar under section 3.

Registrar of Lands

3. (1) A Registrar of Lands shall be appointed by the Governor.
- (2) Where, for any reason, the Registrar of Lands is unable to perform his duties under this Law or where the office of Registrar of Lands is vacant, the Public Recorder may perform all or any of the duties of the Registrar.

Procedure for registration and fees

4. (1) The Registrar shall make entries in the form in the First Schedule so however that persons owning lands adjoining must sanction boundaries prior to entry.
- (2) Persons desirous of registering their lands shall advertise their intention fifteen days previously, in order that boundaries may be agreed on by adjoining neighbours, and the person advertising may call on any Justice, who shall proceed to the spot with the parties; and upon the boundaries being determined on, the Justice shall forward a written notice of such determination to the Registrar who shall file and record the same, as a proof of such boundaries. The Justice for his services shall be entitled to a fee of forty cents from the parties.
- (3) The Registrar shall charge a fee not exceeding one dollar for each entry.

Effect of registration

5. Registration for a period of five years shall be deemed a good title against all complaints whatsoever.

Registration of all land transactions

6. (1) From the 12th October, 1960 —
 - (a) all conveyances of land; and
 - (b) all encumbrances hereafter created and binding on land,shall be registered in the Register kept for that purpose by the Registrar in the form in the Second Schedule but such registration shall not be effected unless the Registrar is satisfied that the relevant instrument or document has been duly stamped, if so required, in accordance with the *Stamp Duty Law (1995 Revision)*.
- (2) The Registrar shall charge a fee not exceeding thirty cents for each entry made in the Register as aforesaid and he shall issue a certified copy of any entry in that Register to any person who applies in writing therefor on payment by such person of a fee of fifty cents.



Unregistered transaction void against purchaser

7. A conveyance or encumbrance made or created on or after the 12th October, 1960 shall be void as against a subsequent purchaser of the land or any interest in such land, unless such conveyance or encumbrance is registered in accordance with section 6 before the completion of the purchase.

Registrar's power to register encumbrances made prior to this Law

8. Encumbrances created before the 12th October, 1960 may be entered on the Register where a conveyance of the encumbered land is being registered and such encumbrances are recited in the conveyance or the parties to a conveyance satisfy the Registrar that the encumbrances, although not recited, are existing or an encumbrancer applies for the registration of his encumbrance, and at the same time serves notice of his application on the proprietor and such proprietor does not within twenty-eight days file his objections with the Registrar.

Registrar's power to inspect documents

9. Before making an entry in the Register the Registrar shall inspect all relevant documents and satisfy himself generally that the entry can properly be made.

Discharged encumbrances

10. When the Registrar is satisfied that an encumbrance binding on land has been removed he shall strike out the entry in the Register and make an appropriate note therein to that effect.

Registrar may state a case for decision of the Grand Court

11. Whenever any question arises with regard to the performance of any duty, or the exercise of any functions, by this Law conferred or imposed on him the Registrar may state a case for the decision of the Grand Court.

Aggrieved person may apply to the Grand Court

12. Any person aggrieved by any entry or refusal to make an entry on the Register may apply to the Grand Court for an order cancelling the entry or declaring that the entry shall be made.

Registrar's Seal

13. The Registrar shall keep and use a seal bearing the impression of the Arms of the Cayman Islands having inscribed in the margin thereof the words "Registrar of Lands-Cayman Islands", and all documents registered shall be sealed with the seal and signed by the Registrar and dated.

Non-application

- 14.** Without prejudice to any thing done or established hereunder, this Law shall not apply to any parcel of land lease or charge registered under the *Registered Land Law (1995 Revision)*.



FIRST SCHEDULE

(Section 3)

Form of Register (prior to 12th October, 1960)

Name of place	Proprietor	Date of registration	Location and boundary	Title
				By occupancy
				By purchase from
				By inheritance from



SECOND SCHEDULE

(Section 6)

FORM OF REGISTER (from 12th October, 1960)

Date of registration	Name and description of property	Proprietor	Nature and particulars of conveyance	Nature and particulars of encumbrance	Parties to the conveyance or encumbrance	Documents produced	Remarks	Registrar's remarks on striking out entry	Registrar's initials

**Publication in consolidated and revised form authorised by the Governor in Council
this 26th day of March, 1996.**

Mona N. Banks-Jackson
Clerk of Executive Council

