



BELIZE

**GENERAL REGISTRY ACT
CHAPTER 327**

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CHAPTER 327

GENERAL REGISTRY

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CHAPTER 327

GENERAL REGISTRY

Ch. 327,
 R. L. 1958
 CAP. 258,
 R.E. 1980-1990.
 10 of 1958.
 40 of 1963.
 4 of 1967.
 13 of 1967.
 15 of 1968.
 7 of 1972.
 2 of 1977.

[15th May, 1954]

PART I

Preliminary

Short title. 1. This Act may be cited as the General Registry Act.

Interpretation. 2.-(1) In this Act, unless the context otherwise requires,

“certificate of title” means the instrument issued by the Registrar in duplicate declaring a person the registered proprietor of the land or interest in the land described therein;

“current volume” means the volume of any register in use during the current year which has not yet been bound up in accordance with this Act;

“dealing” means a dealing with land in any manner which requires an application to the Registrar to have the matter completed and made available by registration under this Act;

“duplicate certificate of title” means one or other of the duplicate certificates of title prepared by the Registrar;

“incumbrance” means any of the incumbrances mentioned in section 103 of the Law of Property Act, Cap. 190;

“incumbrancee” means the person in whose favour an incumbrance is made, constituted or created under this Act;

“incumbrancer” means a registered proprietor who duly makes, constitutes or creates an incumbrance under the Law of Property Act, Cap. 190 and this Act;

“issued” means the placing in the register of one duplicate certificate of title and the delivery to a person of the other duplicate certificate of title which has been duly drawn up, signed and sealed by the Registrar in accordance with this Act;

“memorandum of transfer” means the document signed and executed by the registered proprietor of any legal estate, interest or right in land held under a certificate of title requesting the Registrar to transfer such legal estate, interest or right to another person;

“note” means the writing of the estates, interests, legal charges, incumbrances, transfers, assignments and discharges which the Registrar is required to make on a registered duplicate and on a proprietor’s duplicate to show the burdens and other matters affecting the land;

“plan”, “map” or “diagram” means a sketch or drawing made of the position of the land as it lies in regard to the lands of adjoining proprietors, and showing the length of the boundary lines, the angles at which they lie towards each other, the extent of the whole land and the various subdivisions thereof;

“proprietor’s duplicate” means the duplicate certificate of title of any kind issued to a registered proprietor;

“records” means the registers, books, instruments, indexes, writings, deeds and documents preserved in the Registry;

“register” means a register kept under this Act;

“registered” means the placing by the Registrar of a duplicate certificate of title, or a deed creating a legal charge, or a deed of incumbrance or

other documents required to be registered, dated, signed and sealed, in the appropriate current volume of a register and marking thereon the number of the folio by which it is thereafter to be designated and referred to;

“registered duplicate” means the duplicate certificate of title of any kind placed in the register;

“registered incumbrance” means any incumbrance registered under this Act;

“registered land” means land or any interest in land in respect of which a certificate of title is issued under this Act;

“registered proprietor” means the person declared by a certificate of title of any kind to be the registered proprietor of the land or the interest in the land described therein;

“Registrar” means the Registrar General appointed under this Act;

“transfer” means the conveyance of the proprietorship in land or any interest in land from a proprietor to another person;

“transmission” means the passing of the proprietorship in land or any interest in land in consequence of any event or act other than a transfer under this Act.

(2) All words and expressions defined in the Law of Property Act, Cap. 190 shall have the same meaning in this Act as they have in that Act.

PART II

*Establishment, Powers and Functions, etc.
of General Registry*

3.–(1) The office of the “Registrar General for the colony” provided under section 2 of the General Registry Act, Chapter 213 of the Consolidated Laws 1924, together with all its books, registers, records and equipment is hereby established a “General Registry” hereafter to be maintained and administered for the purposes defined, and in accordance with the provisions contained, in this Act, with such branches in other parts of Belize, as the Attorney General may from time to time consider necessary, the said purposes being,

Establishment of
General Registry
and appointment
of officers.

- (a) the registering and recording of certificates of title, legal charges and incumbrances, leases, deeds and other documents required by law to be registered or recorded;
- (b) the preserving of all records in the General Registry maintained in Belize City at the commencement of this Act; and
- (c) the transacting, performing and exercising thereof by the Registrar and other officers of the several matters, duties and powers prescribed under and in accordance with this or any other Act.

(2) The Registry shall be under and in the charge of the Registrar who shall be a fit and proper person appointed by the Public Services Commission.

(3) The Public Services Commission may appoint a deputy registrar and such other fit and proper persons to be clerks, officers and messengers in the Registry as he deems necessary.

(4) The Public Services Commission may appoint a fit and proper person to act for the Registrar, the deputy registrar or any clerk or other officer when and so often as occasion requires in the event of the absence, sickness or other disability of any of them, and the acting officer shall have power and authority to do any act or thing which may lawfully be done by the officer for whom he is appointed to act.

(5) During any temporary absence of the Registrar from the Registry, the deputy registrar shall be capable of performing all the duties and exercising all the powers of the Registrar under this or any other Act.

(6) There shall be a seal carrying the words “General Registry of Belize” and of such design as may be approved by the Attorney General, which shall be kept in the possession of the Registrar at the Registry and be used by him in addition to his signature for the authentication of all certificates of titles, copies of documents and other instruments issued out of the General Registry.

(7) Until the seal is prepared, the seal presently used shall continue to be used for the purposes of this Act.

Officers may perform Registrar’s duties, unless otherwise provided.

4.—(1) Except where otherwise specifically provided, the deputy registrar, clerks and officers may lawfully do and perform, subject to the directions and instructions of the Registrar, all or any of the things, duties and services which the Registrar is authorised to do and perform by this or by any other Act, and may lawfully demand and receive on behalf of the Registry the fees in respect of those duties and services.

(2) Each and every member of the staff shall perform all duties from time to time assigned to him by the Registrar.

Powers and duties of the Registrar.

5.—(1) The Registrar shall exercise and perform the powers and duties of,

(a) the Registrar of the Supreme Court established under the Supreme Court of Judicature Act, Cap. 91;

(b) the Registrar of Companies; and

- (c) the Registrar of Births and Deaths, and shall be Keeper of the Records.

(2) The Registrar shall also perform all such duties and exercise all such powers as may be imposed and conferred upon him by this or any other Act or law.

(3) Subject to this Act and the rules, the Registrar shall have the following duties,

- (a) to take charge of and preserve the records in the possession of the Registrar in the General Registry at the commencement of this Act;
- (b) to examine, certify and register or record transfers or leases and to issue certificates of title; 10 of 1958.
- (c) to examine, certify and register or record mortgage deeds and any assignment or cancellation thereof; 10 of 1958.
- (d) to examine and check and to satisfy himself as to the sufficiency and correctness of all titles relating to registered land tendered in support of any transfer, mortgage charge, lease or any other dealing provided for in this or any other Act; 10 of 1958.
- (e) to examine all descriptions of registered land dealt with so as to ensure that they are definitely and clearly set out especially with regard to locality, boundaries, area or any condition or limitation attached thereto, and to see that each description has reference, if the Court or Registrar so requires, to a plan, map or diagram thereof recorded in the Department of the Commissioner of Lands and Surveys or in the Registry, and to do everything necessary to obtain a full and complete identification of the property or right therein forming the subject of the dealing;

- (f) to register or record assignments, bonds, cancellations, cessions, contracts, deeds, donations, inventories, memoranda, plans, maps or diagrams, powers of attorney, security, bonds, substitutions and all other documents required by any law to be registered or recorded;
- (g) at the request in writing of the parties concerned, to record any deed cancelling in whole or in part, any registered bond, deed or document other than a certificate of title, lease, mortgage or charge, or record any deed releasing from the operation of the bond the whole or any part of the property or things thereby charged or bound;
- (h) to register or record assignments of mortgage deeds;
- (i) to register, note or record in the proper books against any property registered in the Land Titles Register any lease, mortgage or other charge, easement, right, privilege or other registrable incumbrance;
- (j) to make all indorsements and annotations required by law on any certificate of title, deed or other instrument filed as of record in the Registry;
- (k) to keep all such registers, including the Land Titles Register and the Land Charges Register, as may be necessary for the due performance by him of any of his duties aforesaid and for the establishment of an efficient system of registration and recording and the securing of the proper registration of titles to, and incumbrances on, land;
- (l) to keep a register of all orders of court served upon him affecting the transfer of rights registered or recorded in the Registry;
- (m) to make a return to the Commissioner of Lands and Surveys of all transfers, mortgages or leases made

under the provisions of this or any other Act which affect land held under title from the Government;

- (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, rule or regulation under this or any other Act;
- (o) generally, to exercise all powers and discharge all duties, including the drawing of any instrument or document afore-mentioned or any other document, by law or custom exercised by and required of and from the Registrar.

6. The Public Services Commission may from time to time by Order published in the *Gazette* transfer to the Registrar such powers and duties of a Government department or officer as appear to it to relate to the conservation of public records and to direct the transmission to and deposit in the General Registry of all books, papers, documents and other records which it may deem proper.

Further powers and duties may be transferred to Registrar.

7. The books, registers and records heretofore and at present existing in the office of the General Registry of Belize shall, subject to all legal objections, be considered and taken, and they are hereby declared, to be valid and legal records, and all authenticated copies thereof, or extracts therefrom, shall be taken and received in all courts as *prima facie* evidence, which, if not rebutted, shall be as good evidence as the originals of which those records purport to be records.

Validity of existing records.

8. 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 or transacted in the Registry, and the oath may be administered and the fact sworn before any justice of the peace or any other person lawfully authorised to receive oaths.

Proof required under oath.

Penalty for untrue statement.

9. Everyone who makes a statement under oath or affirmation for the purposes of section 8 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.

10.—(1) Every person 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 person shall be allowed access to any register or record except in the presence of the Registrar or some clerk thereto duly authorised by the Registrar.

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

PART III

Establishment, Powers and Functions, etc., of Department of Land Registry.

Establishment of Land Registry.

11.—(1) From and after the commencement of this Act, there shall be established at the Registry a “Land Titles Department” in which the Registrar shall at the expense of Belize provide and keep such books, registers and other records as may be necessary for the registration therein of titles, estates, interests, powers and rights in and affecting land in Belize in accordance with this Act.

(2) The Registrar shall register all titles to land and make such entries of estates, interests, powers and rights in the said books as may be required by this or any other Act.

(3) The books, registers and other records formerly kept under the Land Titles Registry Act, Ch. 215, C. L. 1924, for the registration of title to land or estates, interests, powers and rights affecting land shall be preserved and kept by the Registrar in the Registry for affording such

information concerning such land, estates, interests, powers and rights as may be required for the operation of this Act and for other purposes.

12.—(1) There shall be kept in the department a “Land Titles Register” consisting of certificates of title issued and bound together in accordance with this Act.

The “Land Title Register”.

(2) The said register shall be divided into three separate parts relating respectively to “Freeholds”, “Leaseholds” and “Easements, Rights and Privileges”.

13.—(1) From and after the commencement of this Act, a legal title to land or any estate or interest therein mentioned in subsection (3) of this section, may be created by a certificate of title.

Interests for which certificates of title shall be issued. 10 of 1958.

(2) Where such title or any estate or interest therein has been so created, it shall only be granted or transferred by a certificate of title.

(3) Certificates of title shall be issued only in respect of,

- (a) titles to land held in fee simple absolute in possession;
- (b) titles to land held for terms of ten years and upwards absolute;
- (c) titles to easements, rights and privileges in or over land for an interest equivalent to an estate in fee simple absolute in possession or to a term of ten years and upwards absolute,

which under section 3 of the Law of Property Act, Cap. 190 are capable of subsisting or of being created or transferred at law.

14. A certificate of title may be a First Certificate of title or a Transfer Certificate of title.

Kinds of certificates of title.

Mode of preparing, registering and issuing certificate of title.

15.--(1) Every certificate of title shall be prepared in duplicate by the Registrar in the prescribed form and shall be registered by placing one duplicate in the order of its date in the current volume of the register which shall be bound annually or at such other times as the Registrar, with the approval of the Chief Justice, may determine.

(2) The other duplicate certificate of title shall be issued and delivered to the registered proprietor, who shall be bound to produce it whenever he desires thereafter to transfer or otherwise deal with the land.

(3) Every proprietor's duplicate, whether a First Certificate of title or a Transfer Certificate of title delivered to the registered proprietor, shall be an exact copy, and so far as possible an exact facsimile, of the duplicate certificate of title placed on the register.

Noting of legal charges and incumbrances on certificate.

16. The Registrar shall,

- (a) before the issue of any certificate of title, note thereon in a brief, clear and legible manner in the prescribed form, all certificates of titles to terms of ten years or upwards or to easements, rights and privileges issued under section 13 of this Act and all registered legal charges and registered incumbrances affecting the land in the order of their dates;
- (b) number the certificate of title as a folio of the current register; and
- (c) place the same number on the duplicate certificate to be issued to the registered proprietor.

Date of commencement of registered title.

17. The date of every First Certificate of title shall be the day and hour at which the Registrar places the certificate of title in the current volume of the register and, subject to the provisions of section 41 of the Law of Property Act Cap. 190, the title of the former registered proprietor shall continue to exist up to that time, but immediately thereafter shall cease and determine.

18.—(1) From and after the time when a First Certificate of title is issued under this Act, all dealings with the land described therein shall be governed by the Law of Property Act, Cap. 190, and all such dealings shall take effect from the date and act of registration, and not from the date of execution or delivery of any instrument or document or otherwise, except as may be provided by this Act.

Dealing with the land after registration.

(2) It shall not be necessary to record under Part VI any dealing with land which has been registered under any other provision of this or any other Act.

(3) Dealings with registered land which are not in accordance with the provisions of this Act shall operate as contracts only and shall not confer any legal estate or interest in or over the land, but may create contractual rights or equitable interests in or over the land.

10 of 1958.

19. In every certificate of title, the names, occupations or calling, the addresses of the registered proprietor or proprietors and the full description of the land passing thereunder shall be set forth, and such registered proprietor or proprietors shall have the absolute power to deal with the land in any manner in which land may be dealt with under this or any other Act.

Contents of certificate and powers of registered proprietor.

20. Where the land is a freehold estate capable of subsisting at law, the registration of a person as proprietor under a First Certificate of title shall vest in that person an estate in fee simple absolute in possession in the land, together with all rights, privileges and appurtenances belonging or appurtenant thereto, subject to the following rights and interests in or over that land, that is to say,

Effect of first registration.

- (a) all terms of ten years and upwards absolute for which a First Certificate of title is issued under this Act;
- (b) all easements, rights or privileges in or over land for an interest equivalent to an estate in fee simple absolute in possession;
- (c) all registered legal charges; and

(d) all registered incumbrances,

but free from all other estates and interests whatever, including estates and interests of the Government.

21.—(1) The Registrar shall issue to every person who, according to the entries made in the register kept under the Land Titles Registry Ordinance, Ch. 215, CL. 1924, appears to be entitled to the fee simple in any land, a First Certificate of title in respect of that land.

(2) If any dispute arises as to whether the person whose name appears in the said register is the beneficial owner thereof and so entitled to have a First Certificate of title issued to him, any other person claiming to be the rightful owner of the land may apply by summons to a judge in chambers, supported by an affidavit of the facts, and the judge shall have power, after hearing all parties concerned, to determine the person to whom the Registrar shall issue the certificate of title.

(3) The practice and procedure upon any such application shall be prescribed.

22. The Registrar shall issue a First Certificate of title,

- (a) to any person in whose favour the court may make a declaration of title to land based on long possession in accordance with section 42 of the Law of Property Act, Cap. 190;
- (b) to any person entitled to a mahogany or logwood work, whether by location or purchase, who by himself solely or by himself and by his predecessor or predecessors in title have been in undisturbed possession thereof for thirty years, notwithstanding that such possession commenced before the passing of a resolution of the public meeting made the 25th July 1787, and the title or transfer thereof remained unrecorded;
- (c) to any person who makes out by deed and other documents a good title to the land at common law for thirty years

Issue of First Certificates to land-owners registered at commencement of this Act.

Issue of First Certificate in other cases.

prior to any application for the issue of a First Certificate;
and

- (d) to any grantee from the Crown or the Government of freehold land equivalent to a fee simple absolute in possession under the Law of Property Act, Cap. 190 who elects to have, *in lieu* of the Crown or Government grant therefore, a First Certificate of title issued under this Act.

23. Application shall be made for the issue of a First Certificate of title under sections 21 and 22 of this Act in such manner and form as may be prescribed.

Application for the issue of First Certificate.

24. Before issuing any First Certificate of title, the Registrar shall comply with all the provisions of section 16 of this Act (which relate to the noting thereon of certificate of title to terms of years, easements, rights and privileges, registered legal charges and registered incumbrances, the numbering of the certificate of title in the current volume and the placing of the same number on the duplicate certificate to be issued to the registered proprietor).

Notings on and numbering of First Certificate.

25.—(1) From and after the commencement of this Act, every transfer of the legal title to registered land by one person to another shall be made under and in accordance with this Act.

Mode of transferring land, etc.
10 of 1958.

(2) A deed of conveyance purporting to transfer any registered land, or any estate or interest therein, which is required to be transferred by a certificate of title under this Act shall not vest in the intended transferee the legal title to such land, estate or interest therein, but shall operate to create in the intended transferee an equitable title only to the land, estate or interest.

10 of 1958.

(3) A person in whom the equitable title to any registered land, or any estate or interest therein is beneficially vested by virtue of a deed of conveyance or his assignee may, after demand in writing made upon the person who holds the legal title to such land, estate or interest, by action claim transfer to himself by the latter person of the legal title to the said land, estate or right by means of a certificate of title.

10 of 1958.

Memorandum of transfer.

26.—(1) Every person who desires to transfer to another the title to any land of which he is the registered proprietor shall execute a memorandum of transfer in the prescribed form and present it together with his duplicate certificate of title and any other necessary documents to the Registrar.

(2) If the Registrar is satisfied with the sufficiency and correctness of the memorandum of transfer, he shall prepare in duplicate a new certificate of title to the land affected by the memorandum of transfer in favour of the person named as the transferee in the memorandum, and he shall before delivering the new duplicate to the new registered proprietor cancel the previous certificate of title by writing across the registered duplicate thereof in red ink the word “cancelled” and make a reference thereon to the folio and volume in which the new certificate of title is registered.

(3) The Registrar shall also make on both duplicates of the new certificate of title a reference to the certificate of title which has been cancelled by stating the folio and volume in which it was recorded.

(4) The duplicate certificate which was handed in by the transferor with the memorandum of transfer shall be cancelled and together with the memorandum and any other document be retained by the Registrar.

Noting of legal charges and incumbrances on certificate of title.

27.—(1) The Registrar shall note on both duplicates of the new certificate of title any certificates of title to terms of years or to easements, rights and privileges affecting the land and all undischarged legal charges and incumbrances which appeared on the cancelled certificate and also any new legal charge or incumbrance which has been created by the new registered proprietor on the occasion of the transfer.

(2) The Registrar shall record on the new duplicates the day and hour and, when such appears to the Registrar necessary, the minute of the change from one registered proprietor to another, and that date shall be the day on which the memorandum of transfer was presented to the Registrar.

Transfer of portion only of land and necessary consent in some cases.

28.—(1) Subject to subsections (2) and (3) of this section, when a registered proprietor desires to transfer a portion only of the land contained in his certificate of title, it shall not be necessary to cancel the certificate of

title, or to issue a new certificate of title for that portion of the land which is not being transferred, but the Registrar may issue to the transferee a new certificate of title in respect of the portion transferred, and note the particulars of the transfer on the margin of the certificate of title in the register and on the certificate of title of the registered proprietor

(2) If the registered proprietor so desires or if the Registrar is of opinion that the circumstances do not permit of particulars of the transfer being clearly noted on the certificate of title, such certificate shall be cancelled and the same procedure shall be followed, as nearly as circumstances will permit, as that set forth in section 24 of this Act, and the registered proprietor, on the original certificate of title being cancelled, shall receive a new certificate of title for the portion of land not transferred at the same time that the transferee receives his certificate of title for the portion of land transferred to him.

13 of 1967.

(3) The Registrar shall not issue to a transferee a new certificate of title to a portion not exceeding one hundred acres of any land contained in a certificate of title unless either there is attached to the memorandum of transfer a statement in writing under the hand of the Commissioner of Lands and Surveys either that the Minister under the powers conferred upon him by the Land Tax Act, Cap. 58, has consented to the subdivision evidenced by the memorandum of transfer and that any conditions to which such consent was subject have been complied with or that the subdivision evidenced by the memorandum of transfer does not require the consent of the Minister under the provisions of the said Act or unless it is proved to his satisfaction that the transfer is in favour of a devise by a personal representative.

(4) Where a certificate of title is granted to a transferee in respect of a portion only of the land comprised in a certificate of title and no new certificate of title is granted to the transferor in respect of the remaining portion of such land, the new certificate of title granted to the transferee shall be connected up with the certificate of title for the whole land by reference to the folio and volume in which the certificate of title to the whole land is contained.

13 of 1967.

(5) Where legal charges or incumbrances are noted upon the certificate of title to land so proposed to be subdivided, the Registrar shall not accept a memorandum of transfer of such land without the consent in writing of the chargees or incumbrancees, and this consent shall be filed with the memorandum of transfer.

Transferee to be liable for legal charges, etc., noted on certificate of title.

29.—(1) Where any legal charges or incumbrances are noted on a certificate of title issued to a transferee, there shall be implied a covenant by the transferee that he has accepted the land subject to such legal charges and incumbrances, and that he will pay the interest accruing thereon, and discharge the principal sums for which such legal charges or incumbrances have been granted, and indemnify the transferor from the payment of the same in all time to come.

(2) Nothing contained in this section shall operate to deprive a chargee or incumbrancee of any priority with respect to any legal charge or incumbrance which he may have with regard to other legal charges and incumbrances upon the said land, or his right to an order for sale in realisation of his legal charge or incumbrance under the Law of Property Act, Cap. 190, or his right to sue the former registered proprietor upon the personal covenant contained in any mortgage deed making him liable to pay any sum of money charged upon the land transferred.

Transfer of easements or incorporeal rights.
10 of 1958.

30.—(1) Whenever any easement, right or privilege in or over any registered land is to be added to any land contained in a certificate of title, the person creating, selling or transferring such right shall execute a memorandum in the prescribed form, and the Registrar shall file it when presented, and either grant a new certificate of title to the registered proprietor, with the easement, right or privilege mentioned therein added to the land, whenever required to do so, or shall note the acquisition of the easement, right or privilege on the existing certificate of title of the land to which it is to be thenceforth added.

(2) The Registrar shall in every case referred to in subsection (1) of this section note on the certificate of title relating to the servient land the easement, right or privilege created on that land by the registered proprietor thereof.

31.–(1) Where the registered proprietor of any land desires to transfer it to trustees, he may record, under Part VI the deed or document constituting the trust, and he shall, on the same day, present to the Registrar a memorandum of transfer to the persons named as trustees, in the ordinary form of an absolute transfer to individuals, with the words “as trustees” added to their description.

Provisions for transfer of land to trustees, and issue of new titles on death.

(2) The Registrar shall thereupon issue to the transferees a certificate of title with the words “as trustees” added to the description of the registered proprietors and, subject to subsection (6) of this section, there shall be no other reference therein to the trust deed.

(3) Where in the trust deed trustees are named with the right in the survivor or survivors to act after the death of one or more of their number, the survivor or survivors may require the Registrar to issue to him or them a new certificate of title in his or their names as registered proprietor or proprietors of the land, and every such certificate of title shall have the words “as trustee” or “as trustees” added to the description of the registered proprietor or proprietors.

(4) Where a new trustee or trustees is or are substituted for a deceased trustee or trustees under the trust deed or pursuant to any statutory provisions, the Registrar shall issue a new proprietor’s duplicate of title in the names of all the trustees subsisting at the date of the application therefor.

(5) Notwithstanding anything contained in this section, a certificate of title shall not be issued to more than four registered proprietors “as trustees” and if the number of trustees appointed under a trust deed exceeds four, a certificate of title shall be issued to the first four trustees named in the trust deed.

(6) Every certificate of title issued to a registered proprietor “as trustee” shall be connected with the trust deed relating to it by reference to the *folio* and volume in which the trust deed is recorded in the Registry.

32. A registered proprietor or proprietors “as trustee” or “as trustees” shall, as regards any dealings with the land, be subject to the provisions of the trust deed affecting the land transferred by the certificate of title,

Title of Registered proprietor “as trustee”.

but shall be the absolute registered proprietor or proprietors of the said land, as regards the records of title, as fully as any other registered proprietor or proprietors.

New certificate to personal representative.

33.—(1) Where a registered proprietor dies, whether he leaves a will or not, his personal representative shall apply for a new certificate of title in his own name “as executor” or “as administrator” of the estate of the deceased registered proprietor, and no dealing with the land of any deceased registered proprietor shall take place until the title thereto has been transferred to the personal representative.

(2) A certificate under this section shall not be granted to more than four personal representatives.

Issue of new certificate of title to devisee on death of registered proprietor.

34.—(1) Whenever a registered proprietor dies, leaving a will disposing of any land by way of specific devise to another person, and the personal representative of such registered proprietor either assents to the devise or does not require it as assets for payment of the testator’s funeral and testamentary expenses and his lawful debts, he shall deliver to the Registrar a memorandum of assent together with the proprietor’s duplicate, the probate and an office copy of the will and any other necessary documents for the purpose of transferring the title of the land to the devisee.

(2) If any person, other than the personal representative, is in possession of the proprietor’s duplicate, he shall deliver it up to the Registrar at the latter’s request for the purpose of the transfer being made and the Registrar shall make the said transfer in accordance with the provisions for transferring land under this Act.

(3) The Registrar shall, before delivering the new proprietor’s duplicate issued in the name of the devisee, note on the registered duplicate of the deceased proprietor the date of the will, the date of the death and such reference to the register of probate of wills as may enable it to be readily found and shall cancel the duplicate in the name of the deceased.

(4) Except for the name and description of the devisee, the new duplicates shall be a complete facsimile of the cancelled duplicates showing the notings of all legal estates and interests, legal charges and incumbrances thereon.

(5) Where the person other than the personal representative who had possession of the proprietor's duplicate of the deceased's certificate of title was lawfully in possession thereof, the Registrar shall deliver to him the new proprietor's duplicate.

35.—(1) An official or other person charged with the duty of administering the estate of a deceased person in respect of which there is no personal representative may require the Registrar to issue to him a certificate of title of any kind relating to any registered land forming part of that estate.

Issue of new certificate of title to official administrator.
10 of 1958.

(2) The Registrar shall issue such certificate in accordance with this Act relating to the transmission of title to registered land to executors and administrators.

10 of 1958.

36. In all cases where a new certificate of title has been issued *in lieu* of a certificate of title in favour of a deceased registered proprietor, the Registrar shall note on the new certificate of title issued all legal estates and interests, legal charges and incumbrances affecting the land to which it relates.

On issue of new certificate of title, all legal estates, charges and incumbrances to be noted.

37.—(1) Where a registered proprietor, chargee or incumbrancee of any registered land has been adjudicated bankrupt, or where the estate of a registered proprietor, chargee or incumbrancee has become subject of liquidation by arrangement under the Bankruptcy Act, Cap. 244, the land, legal charge or incumbrance, as the case may be, shall transmit to the trustee of the estate, in the case of bankruptcy as from the date of the order of adjudication, and in the case of liquidation by arrangement as from the date of the appointment of the trustee of the estate.

Issue of new certificate to trustee in bankruptcy, etc.
10 of 1958.

(2) The Registrar shall, upon the request of any such trustee as aforesaid, accompanied by the documents proving the facts being presented to him, issue to the trustee a certificate of title *in lieu* of that in favour of the registered proprietor so adjudged bankrupt or whose estate is in liquidation, as the case may be, and the duplicate copy of the certificate of title in the hands of such registered proprietor shall be delivered up to be cancelled.

(3) The same procedure shall be followed in the issue of the new certificate, as far as the circumstances will permit, as is prescribed in section 33 of this Act in the case of the issue of a new certificate to a personal representative.

Issue of new certificate of title to assignee, etc., of insolvent registered proprietor.

38. Where any person has become insolvent and has, either under the authority of the court or voluntarily, assigned the whole of his property to any assignee, administrator or trustee on behalf of his creditors, any land of which he is the registered proprietor shall transmit to the said assignee, administrator or trustee, and such assignee, administrator or trustee shall request a certificate of title to be issued in his name and the Registrar shall, upon such request being presented to him with the deed or instrument of assignment, or such office copy thereof as he may consider sufficient, issue a new certificate of title to such assignee, administrator or trustee in the manner hereinbefore provided as nearly as circumstances will permit.

Transmissions of legal charge or incumbrance on death, bankruptcy, etc., of chargee or incumbrancee.

39.—(1) Whenever any legal charge or incumbrance has been transmitted in any of the manners above set forth, the person in whose favour it has been transmitted shall be entitled to present to the Registrar a request, accompanied by the deed, document or writing, or certificate of death upon which such request is founded, to alter the noting or marking of any legal charge or incumbrance upon any certificate of title, from the name of the previous chargee or incumbrancee to the name of such person as being the person then entitled to the legal charge or incumbrance.

(2) In dealing with such request, the Registrar shall proceed, as far as circumstances will permit, in the manner hereinbefore provided in regard to transmissions of land, and shall make such noting or marking upon the registered duplicate certificate of title of such land and on the proprietor's duplicate as shall set forth the parties truly entitled to such legal charge or incumbrance.

(3) For the purposes of this section, the Registrar shall have power to call in and demand the delivery to him of the proprietor's duplicate, whether it is in the hands of the registered proprietor or any other person.

(4) The Registrar shall cancel any former noting, and shall either re-issue the same proprietor's duplicate to the party entitled thereto, or issue a new proprietor's duplicate, as appears to the Registrar desirable and proper.

40.—(1) An application for a certificate of title to a term of years shall be made by presenting to the Registrar a deed of lease in the prescribed form,

Particulars to be furnished for obtaining certificate of title for term of years.

- (a) containing the names of the parties to the lease, their description and addresses;
- (b) showing the number of years for which the term is granted;
- (c) expressing the consideration for which the term is granted; and
- (d) setting out all the covenants, agreements, conditions and stipulations to be observed and performed by each party to the lease.

(2) The deed of lease shall be executed by the parties and may be attested by two witnesses or by the Registrar at the Registry.

41.—(1) The Registrar shall, upon being satisfied that the deed is executed by the parties purporting to execute it, prepare in favour of the lessee a certificate of title to the term of years mentioned in the deed in the same manner and form in which he is directed by this Act to prepare and issue a certificate of title to freehold land, and he shall attach the deed to the registered duplicate, and a certified copy of the deed to the proprietor's duplicate of the certificate of title.

Issue of certificate of title to term of years.

(2) All the provisions of this Act relating to the preparation and issue of the certificate of title to freehold land and the noting of legal charges and incumbrances thereon and the issue of new certificates of title on the transfer or transmission of the title thereto shall apply *mutatis mutandis* to a certificate of title to a term of years.

42.—(1) In order to obtain the issue of a certificate of title to any easement, right or privilege in or over land which is capable of subsisting or of being created or transferred at law, the proprietor of the servient land shall execute a deed defining the easement, right or privilege in favour of the proprietor of the dominant tenement and, on that deed being presented to the Registrar, he shall prepare and issue a certificate of title to the easement, right or privilege in favour of the proprietor of the dominant tenement.

Requisites for obtaining certificate of title to easement.

(2) The deed shall contain a description of the easement, right or privilege granted over and with respect to the servient land and all the agreements, terms and conditions affecting it and intended to bind the parties and their respective tenements, and reference to that deed shall be indorsed on the certificate of title to the land subject to the easement, right or privilege.

(3) All the provisions of this Act relating to the preparation and issue of the certificate of title to freehold land, the noting of legal charges and incumbrances thereon and the issue of new certificates of title on the transfer or transmission of the title thereto, shall apply *mutatis mutandis* to a certificate of title to an easement, right or privilege.

43.—(1) The Limitation Act, Cap. 170 shall apply to land registered under this Act in the same manner and to the same extent as that Act applies to land not registered, except that where, if the land were not registered, the estate of the person registered as proprietor would be extinguished, such estate shall not be extinguished but shall be deemed to be held by the proprietor for the time being in trust for the person who, by virtue of the said Act, has acquired the title against any proprietor, but without prejudice to the estates and interests of any other person interested in the land whose estate or interest is not extinguished by that Act.

(2) Any person who claims to have acquired a title under the Limitation Act, Cap. 170 to a registered estate in the land may apply to the Supreme Court for a declaration of his title, and if the court declares that he has acquired such title, the Registrar shall enter the applicant as a registered proprietor, but without prejudice to any estate or interest noted on the certificate of title of the person whose title has been extinguished under the said Act.

(3) Rules of court may be made for the purpose of regulating the practice and procedure on any application for a declaration that a person has acquired such title.

Application of Limitation Act to registered land.

PART IV

*Registration of Legal and Land Charges,
Incumbrance, Assignment and Cancellation
of the Charges, etc.*

44.—(1) There shall be kept in the department a “Land Charges Register” consisting of deeds creating legal charges and deeds creating incumbrances on or over registered land bound together in the same manner as certificates of title are required to be bound together under this Act.

Form of the Register.
10 of 1958.

(2) The said Register shall be divided into two separate parts relating respectively to “Legal Charges” and “Incumbrances”.

45.—(1) The legal charges on or over registered land to be registered under this Act shall be created in the manner provided by the Law of Property Act, Cap. 190.

Creation of legal charges.
10 of 1958.
10 of 1958.

(2) Every such legal charge shall be registered by the production to the Registrar of the original deed creating the charge and a duplicate copy thereof.

(3) If the deed creating such charge is signed and executed outside the Registry, the identity of the parties and due execution and attestation of the deed by two credible witnesses shall be sufficiently proved to the Registrar in such manner as may be prescribed.

10 of 1958.

(4) A deed creating such a legal charge may be signed and executed by the person giving the charge before and in the presence of the Registrar who shall attest the same as such Registrar.

10 of 1958.

46.—(1) If, in the case of a deed creating a legal charge on or over registered land which is signed and executed outside the Registry, the Registrar is satisfied that the deed has been signed and executed by the party who purports to grant the charge, he shall register the deed in the same manner as a certificate of title is registered under this Act.

Registration of deeds creating legal charges.
10 of 1958.

10 of 1958.

(2) A deed creating such a legal charge which is signed and executed before and in the presence of the Registrar in the Registry shall, without further proof of execution, be registered in the same manner as a certificate of title is registered under this Act.

Time of taking effect of legal charge.
10 of 1958.

47.—(1) So soon as the Registrar has registered a deed creating a legal charge on or over registered land, the land described in the deed shall stand charged with the payment of the principal sum and other sums secured under the deed and be subject to the provisions contained in the deed and in the Law of Property Act, Cap. 190.

(2) The Registrar shall be deemed to have registered a legal charge at the time when the instrument creating it is delivered to him in such a condition as to enable him to register it in accordance with this Part.

Requisites for registration of deeds.

48. Upon the presentation of a deed creating a legal charge for registration in the Land Charges Register, the person creating the charge shall produce to the Registrar his certificate of title to the land, estate or interest charged by the deed and the Registrar shall, after registering the legal charge, note on the registered certificate of title and also on the proprietor's duplicate the particular kind of charge created by the deed affecting the land, estate or interest charged and the day and hour on and at which the deed was registered.

Registration of assignment of legal charges.
10 of 1958.

49. An assignment of any legal charge on or over registered land may be registered in the same manner as if it were a deed creating such a legal charge and all the provisions of this Act relating to signing and execution and to registration of such a deed shall apply to such an assignment.

Incumbrances to be registered under this Act.
10 of 1958.

50.—(1) The incumbrances mentioned in section 103 of the Law of Property Act, Cap. 190, shall, in relation to registered land, be registered in the Land Charges Register upon such evidence produced to the Registrar as may be prescribed,

Provided that where a legal estate or interest in land in respect of which a certificate of title is issued under Part III is an incumbrance affecting land registered under this Act it shall not be registered under this Part but shall be noted on both duplicates of the certificate of title to the land affected thereby as in the case of a legal charge.

(2) The provisions of this Act relating to the signing and execution and the registration of a legal charge shall apply to an incumbrance to be registered under this Act.

51. An incumbrance on or over registered land shall be made, constituted or created by a deed of incumbrance which shall be presented to the Registrar who shall, upon obtaining the same proof of the signing and execution of the deed as in the case of a deed creating a legal charge on or over registered land, register the deed in the Land Charges Register.

Mode of constituting incumbrances. 10 of 1958.

52. Section 48 of this Act shall apply *mutatis mutandis* to the registration of an incumbrance and the noting thereof on the registered certificate of title and the proprietor's duplicate affected thereby as fully and effectively as it does to the registration of a legal charge and the noting thereof on the registered certificate of title and on the proprietor's duplicate affected by the legal charge.

Noting of incumbrance on certificate of title. 10 of 1958.

53. The date of registration shall be entered in the note of the incumbrance by the Registrar upon the certificate of title.

Date of registration to be entered on certificate.

54. A deed of assignment of any legal charge or incumbrance on or over registered land may be registered in the same manner as if it were a deed creating a legal charge or incumbrance on or over registered land and all the provisions of this Part relating to signing and execution, registering and noting on the certificates of title shall apply and have effect in case of such assignment.

Registration of assignment of incumbrance. 10 of 1958.

55. When such a deed of assignment has been presented to the Registrar, he shall enter it in a "Land Charges Assignment Register" consisting of deeds of assignment of legal charges and incumbrances on or over registered land, and bound together in the same manner as certificates of title are required to be bound together under this Act.

Land Charges Assignment Register. 10 of 1958.

56.—(1) The date of the presentation of such deed shall be the date of the assignment, and immediately thereafter the assignee shall enter into the whole rights of the assignor under the legal charge or incumbrance.

Date of Assignment or incumbrance. 10 of 1958.

10 of 1958.

(2) The assignee may, in respect of registered land, demand from the Registrar a certified copy of the deed of assignment, together with a certified copy of the noting thereof upon the certificate of title, with such reference thereon to the volume and folio of the register where the certificate of title is registered as to permit easy reference thereto.

On payment and satisfaction of legal charge or an incumbrance, noting on certificate of title to be accordingly.

10 of 1958.

57. When a legal charge or incumbrance on or over registered land has been paid off and discharged, the person entitled to the legal charge or incumbrance shall sign the prescribed instrument and, when it is presented to the Registrar, he shall cancel the noting of the legal charge or incumbrance upon the certificate of title, and file the instrument, in his office as his warrant for making the cancellation.

Transfer of lease.
10 of 1958.

58.—(1) Subject to subsection (2) of this section, a lease of registered land, or any estate or interest therein, may be transferred by a deed of transfer in the prescribed form, and the noting thereof by the Registrar on the certificate of title to the land affected thereby.

10 of 1958.

(2) Nothing in this section shall authorise the transfer of a lease of registered land for ten years and upwards otherwise than by a transfer in accordance with Part III and the issue of a certificate of title therefor.

PART V

Provisions Relating to Parts III and IV

Notings by Registrar.

59. All notings by the Registrar may be made either by his own hand, or by the hand of one of his clerks if such notings be duly signed and authenticated by the Registrar.

Registrar may state a case for decision of court in questions arising under this Act.

60.—(1) Whenever any question arises with regard to the performance of any of the duties, or the exercise of any of the functions imposed by this Act, or conferred upon the Registrar, or if, in the exercise of any of those duties or powers, any question of difficulty or importance arises, it shall be competent for him to state a case for the consideration of the court.

(2) The court, after hearing the Registrar and all interested parties upon such case, shall give such order and directions thereupon as appears just.

61.—(1) The Registrar may at all times take the advice, opinion or direction of the court upon questions of difficulty, notwithstanding that there are no contending parties, and may request that such advice, opinion or direction be given in writing to be preserved along with the papers connected with the issue of a certificate of title, or noting of legal charges or incumbrances.

Registrar to obtain direction of court upon questions of difficulty and powers of Court.

(2) Where no special procedure has been provided by this Act for any case with regard to placing on the register, or removing therefrom, the title of any person to any land, or any legal charge or incumbrance, or any fact in regard thereto which ought to be registered, or the registration of which ought to be altered, the court shall give directions in regard thereto, according to the intent and meaning of this Act.

62. If any person is dissatisfied with any act, omission, refusal, decision, direction, order, noting or other completed proceeding of the Registrar affecting the right of such person to any land, or any legal charge or incumbrance thereon, such person may apply to the Registrar to set forth in writing the grounds upon which he proceeded and, thereupon, such person may bring any question in relation thereto before the court by summons served on the Registrar, and the court shall hear and determine the question at issue, and give such order and directions thereupon as may appear just.

Party aggrieved by act of Registrar may bring question before the court.

63.—(1) In case it appears to the Registrar that any certificate of title has been issued in error, or contains any misdescription of land or boundaries, or that any noting of any legal charge or incumbrance or otherwise has been made in error, either wholly or as to any part thereof, or that the certificate of title, or noting thereon, has been obtained by fraud, or that any certificate of title has been fraudulently obtained or is fraudulently retained, he may require the proprietor's duplicate to be returned for correction, or to be delivered up to the true owner thereof and, if the person so required fails to return the proprietor's duplicate, or to deliver it up to the true owner, the Registrar may apply to the court for a summons to bring the person before the court for examination.

In cases of error or fraud, the court may compel return of certificate of title to Registrar, etc.

(2) The court may thereupon examine the person, and may direct the proprietor's duplicate to be given up to the Registrar or to the true owner thereof, or may grant a warrant for searching for and recovering it.

(3) If the said person refuses to be examined, or to deliver up the proprietor's duplicate, or deliver it up to the true owner, either then or at any time ordered by the court, the court may commit the said person to prison for any term not exceeding six months.

Court may order cancellation of proprietor's duplicate. 10 of 1958.

64. At the request of the Registrar upon petition or case stated, or in any proceeding respecting any registered land, or in respect of any contract or transaction relating thereto, or in respect of any instrument or dealing with registered land, the court may by decree or order direct the Registrar to cancel, correct, substitute or issue any certificate of title, or make any noting or entry thereon, and to do such acts as may be necessary to carry into effect any judgment of the court.

Registrar may require production of proprietor's duplicate and attendance of witnesses. 10 of 1958.

65. The Registrar may require any person, for the purposes of this Act, to produce the proprietor's duplicate, and may make inquiry into any matter affecting titles to registered land and the accuracy of the register, and may summon any person before him for the purpose of giving evidence and explanation in regard to any such matter, and any person who refuses to appear to answer to such summons may be proceeded against in the same manner as a person refusing to give evidence before the court.

On proof of loss of proprietor's duplicate, new duplicate may be issued.

66.—(1) If a proprietor's duplicate is lost or destroyed, the Registrar may make such inquiries as he thinks necessary in regard thereto, and if he comes to the conclusion that it is irrecoverably lost or destroyed by misadventure, or if the court so determines then, without public notice, or after such public intimation as may be considered reasonable and safe, he may issue a new proprietor's duplicate in place of the one lost or destroyed.

(2) Every new proprietor's duplicate issued in place of one lost or destroyed shall be an exact facsimile of the registered certificate of title and the Registrar shall add thereto a note to the effect that the new proprietor's duplicate has been issued in place of the one lost or destroyed, dating the note on the day on which he issues the new proprietor's duplicate.

67. In order to facilitate reference and search where one person is proprietor of the lands contained in more than one certificate of title, and where various legal charges, incumbrances and other securities have been granted, the Registrar shall enter in a nominal index every instrument presented to him, both under the names of the grantors and grantees.

Nominal index of parties to instruments.

68.—(1) All forms and instruments prescribed shall be printed and may be publicly sold, and any person, if he so chooses, may himself fill up the form of instrument he desires to present to the Registrar.

Persons entitled to prepare documents under this Act.

(2) If any such party employs another person who is not an attorney-at-law to prepare any document under this Act for reward, that person shall be compellable to refund any money received by him by summary order of the Chief Justice on the complaint of any interested person.

(3) Nothing in subsection (2) of this section shall be deemed to relieve any such person from any proceedings which may be taken against him under the Supreme Court of Judicature Act, Cap. 91.

69. Every person who,

Offences.

- (a) fraudulently procures, or assists in fraudulently procuring, the issue of any certificate of title or other instrument required under the Law of Property Act, Cap. 190;
- (b) fraudulently obtains, or assists in fraudulently obtaining, the delivery of a proprietor's duplicate or other instrument to any person not entitled thereto; or
- (c) makes, or assists in making, any false noting on or entry in any certificate or register in respect of any dealing with land,

commits a misdemeanour, and on indictment shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding fifteen hundred dollars.

PART VI

Recording of Deeds, Wills, and Effect thereof, etc.

Meaning
“deed”.

of **70.** In this Part, “deed” means,

- (a) with respect to transactions entered into and concluded before the passing of this Act, any document, wholly or partly printed or written, other than a will or codicil whether under seal or not, by which land in Belize or rights in relation thereto were conveyed, mortgaged, leased or in any other way affected;
- (b) after the commencement of this Act, any document, other than a will or codicil or an instrument required to be registered under Parts III and IV, whether under seal or not, by which estates, interests and rights in or over land may be created, transferred, charged, incumbered or otherwise affected in Belize.

71. No deed executed after 14th December, 1888, shall have any validity or effect unless it is lodged for record in the office of the Registrar, within one month after the date thereof if executed within Belize, and within three months after the date thereof if executed out of Belize:

Provided that,

- (a) the Chief justice may, in his discretion, in any particular case, extend the time for lodging such document for record, upon such terms and conditions as he may judge reasonable, if satisfied upon petition filed in the Supreme Court and evidence given thereon by affidavit or otherwise that the failure to lodge such document within the time specified in this section was unavoidable or arose from no negligence, and that no person is likely to be injured or prejudiced by such extension of time;

- (b) all entries in the crown lands books and certified duplicates or certified copies thereof, and all certified duplicates of plans, under the Crown Lands Act , Cap. 147, R. E. 1980-1990, or the National Lands Act, Cap. 191, and all titles, transfers and other entries in the books of the Belize Lands Titles' Registry and certificates thereof by the Registrar under any law in force immediately before the commencement of this Act, shall be deemed duly recorded for all purposes, and no further recording thereof under this Part shall be necessary;
- (c) in the case of a series of debentures in identical terms issued by a company creating a charge on its real estate, it shall be sufficient to record under this section one of such series, together with a statement of the numbers and amounts secured of the remaining debentures, and the names and addresses of the holders thereof.

72. Where any extension of time is granted, reference to the order shall be made in the margin of the record book and indorsed on the document lodged for record.

Reference to order extending time.

73. A memorandum of acknowledgment referred to in section 17 of the Evidence Act, Cap. 95, or a memorandum of proof of the deed, as the case may be, in the prescribed form, shall be indorsed upon or annexed to such deed, and such memorandum shall in every case be signed by the officer taking the acknowledgment or administering the oath,

Memorandum of acknowledgement, etc.

Provided that the public seal of Belize shall be sufficient evidence of the due execution of any letters patent or other deed whereunto it is set or affixed.

74.-(1) The production of any deed for proof and recording may be enforced by a summons issued to any person who is in possession of or has control over any deed, and upon the hearing of such summons the Chief Justice may make such order for the delivery up of such deed to the Registrar for the purpose of recording it as he may think expedient, and the costs of and incidental to such summons shall likewise be in his discretion.

Summons to enforce production and recording.

(2) Any order made pursuant to subsection (1) of this section, may be enforced in like manner as orders of the Supreme Court are enforceable under the Supreme Court Rules, or any other such rules.

(3) A person taking out a summons under this section shall satisfy the Chief Justice that he is materially interested in the production and recording of such deed.

Subpoena ad testificandum.

75.—(1) If any person, being a subscribing witness to a deed, upon being applied to do so, refuses to make oath of the due execution or otherwise of such deed, then, upon an affidavit proving such application and refusal as aforesaid, the Chief Justice may direct that a *subpoena ad testificandum* be issued, made returnable before himself in chambers at such time as he may think reasonable.

(2) Every person served with such *subpoena* shall be subsequently dealt with in like manner as witnesses may be dealt with under the Supreme Court of Judicature Act, Cap. 91,

Provided that,

- (a) such person shall not be entitled to any allowances as a witness unless the Chief Justice otherwise expressly orders; and
- (b) the attendance of such person may be excused upon cause being shown to the satisfaction of the Chief Justice.

76. If, when any deed is presented for recording, it appears upon affidavit sworn as aforesaid indorsed upon or annexed to such deed that the witnesses thereto, if any, are dead or living without the limits of Belize, and that the party or parties by whom it was executed is or are dead or without the limits of Belize, and that the handwriting of any of the attesting witnesses thereto or of the party or parties executing it from whom interest passes is established and identified, then and in such case the deed shall be deemed to have been duly executed, and the formal proof thereof shall be dispensed with.

Proof where witnesses dead or living out of Belize.

77. No will or codicil by which lands in Belize or rights in relation thereto are affected shall be pleaded or admitted as evidence in any court until probate thereof has been granted by the Supreme Court under the Administration of Estates Act, Cap. 197, or any other law in force prior to that Act, and no further proof of the due execution thereof or recording shall be necessary under this Part.

Wills to be recorded.

78. Where a deed is executed under a power of attorney, it shall be incumbent on the person who produces such deed for registration also to produce the power of attorney by the authority of which the deed produced purports to have been executed, and the Registrar shall not record the deed without recording the power of attorney, unless such power is already recorded at the time, and the execution of such power of attorney shall be proved in like manner as any other deed.

Recording of deed executed under a power of attorney.

79.-(1) The Registrar shall examine every document brought to be recorded and satisfy himself,

Registrar to examine execution of deeds and proof thereof.

(a) that it has been properly executed; and

(b) that such execution is duly proved in accordance with this Part.

(2) The Registrar may apply to the Chief Justice in chambers for his opinion in writing whenever he may entertain any serious doubt as to whether a document should or should not be recorded, and the opinion of the Chief Justice shall be regarded as final and conclusive.

80.-(1) The Registrar shall not receive any document to be recorded in his office unless it is accompanied by a statement written on the back thereof or annexed thereto of the number of sheets of seventy-two words each contained therein, every figure therein being counted as one word.

Statement of number of folios.

(2) Every person who misstates the number of folios contained in any document shall be subject, by way of penalty, to the payment of double fees on any excess in the number contained over that stated.

(3) No document whatever shall be received by the Registrar for recording or otherwise being dealt with in the Registry unless the document contains on the back or at the foot thereof a statement,

- (a) by an attorney that it was prepared and drawn by him in his office as attorney for one of the parties concerned therein;
- (b) by an appropriate officer, that it was prepared by himself and not by some person not entitled to prepare or draw legal documents; or
- (c) by an appropriate officer, in the case of a person unable to read or write, that it was prepared and drawn by him on behalf of the parties concerned.

13 of 1967.

(4) No document which purports to create or transfer any interest in land not exceeding one hundred acres shall be received by the Registrar for recording or otherwise being dealt with in the Registry unless either there is attached to such document a statement in writing under the hand of the Commissioner of Lands and Survey either that the Minister under the powers conferred upon him by the Land Tax Act, Cap. 58, has consented to the interest specified in such document being created or transferred and that any conditions to which such consent was made subject have been complied with or that the interest specified in such document does not require the consent of the Minister to be created or transferred under the provisions of the said Act or it is proved to his satisfaction that the interest is being created in favour of or transferred to a devisee by a personal representative.

7 of 1972.

(5) No document which purports to create or transfer any interest in land situate outside the boundaries of a town as defined by the Land Tax Act, Cap. 58 shall be received by the Registrar for registering or recording or otherwise being dealt with in the Registry unless the document is accompanied by a certificate that the tax payable under the Land Tax Act, Cap. 58 in respect of the land to which the document relates has been paid, such a certificate being issued by the Commissioner of Lands and Surveys.

(6) If the Registrar has reason to suspect that a document was prepared or drawn by a person not entitled to do so, he may withhold the recording or registration thereof until he can make enquiries upon the matter, and may refer any case for the directions of the Chief Justice.

(7) Every person who falsely represents that a document was drawn by him commits an offence and shall on summary conviction be liable to a fine not exceeding two hundred and fifty dollars.

81.—(1) Any person who desires to record a deed under this Part shall present the original deed and a true copy thereof to the Registrar.

File books, receipt, etc.
10 of 1958.

(2) The Registrar shall,

- (a) immediately upon any deed being presented to him for recording, make an entry of the presentation of it in a book to be by him constantly kept in his office, and to be entitled “File Book of Deeds, etc.”;
- (b) sign and give a receipt to the person presenting the deed;
- (c) give a receipt for the money paid for recording;
- (d) immediately underwrite or indorse upon such deed and the copy thereof the day and hour when it was presented to him for recording as aforesaid;
- (e) if he is satisfied that the copy presented is a true copy of the original, and that the deed otherwise complies with the provisions of this Act or any other Act, file and keep the copy as a record; and
- (f) after recording the copy, return the deed to the person presenting it.

(3) If any deed presented for recording is in a foreign language, the copy shall be in both that language and the English language.

(4) All deeds recorded during any calendar year shall be bound together in one or more volumes consecutively as regards the dates when they were recorded, and the volumes thereof, if more than one, shall be marked “Volume of 19-” or “Volume of 20-” and so on according to the number of volumes for the year, the folios of the said volume or volumes being numbered consecutively commencing from the figure “1”.

Certificate of Registrar.

82.—(1) All documents shall be recorded in the order in which they are received by the Registrar, but no document shall be received unless the recording fee is paid.

(2) When the recording of a document is completed, the Registrar shall further indorse thereon a certificate setting forth the particular book in which such document is recorded, and the page or pages containing such record, and that such document has been proved and recorded in strict conformity with this Part, which certificate shall be dated with the day of the month and year in which the record was completed, and shall be subscribed by the Registrar in his proper handwriting, and such certificate shall be received and admitted in all courts in Belize as conclusive proof of the matter certified therein.

When unrecorded deeds, and unwritten mortgages, void.

83. All deeds made prior to 15th December, 1888, but after 18th February, 1857, and not duly proved and recorded, and every mortgage by deposit of deeds without writing shall be judged fraudulent and void in any court of Belize against any subsequent purchaser or mortgagee for valuable consideration who first records his deed or against any creditor who has actually seized or levied execution under any process of law.

Presenting for record to date as recording.

84. Every document shall be held to be duly recorded from the moment that the Registrar indorses thereon the day and hour when it was presented to him for recording.

Recorded deeds, records or certified copies of records, admissible in evidence.

85. Every document, certified as aforesaid as having been proved and recorded under this Part, shall be admitted as evidence in any court without any further or other proof of the execution thereof, and every record of a document made under the authority of this Part, and all

copies of records duly certified by the Registrar to be true copies, shall be admitted as evidence in any court, as aforesaid, in the same manner as the deed of which it purports to be a record, or copy of a record, is hereinbefore directed to be admitted, as aforesaid as having been proved and recorded under this Part.

PART VII

Miscellaneous

86. Where by any decree or judgment of the Supreme Court a deed is set aside or cancelled, the court may by such decree or judgment, order that the record of such deed be likewise cancelled, and in such case the Registrar shall in the margin of the Book of Records insert the name of the suit and the date of the decree of judgment by which he was ordered to cancel such record.

Cancellations, etc.,
of recorded deeds.

87.—(1) All powers of attorney shall, and any other document not required to be registered by any law and whether under seal or not may, be recorded upon proof of due execution thereof in manner hereinbefore provided for the recording of a deed.

Any document may
be recorded, if
proved.

(2) Section 85 shall apply and have effect *mutatis mutandis* with regard to powers of attorney and other documents presented for recording under this section.

88. Every person who wilfully and knowingly makes any false statement in any acknowledgment or affidavit made under this Part shall, on conviction thereof, be liable to the penalty for perjury.

Perjury.

89. Notwithstanding anything contained in this Act, the Registrar shall record,

Certain documents
may be received
without proof.
40 of 1963.

- (a) when produced and delivered to him, any orders of the Supreme Court, transfers by the Registrar made under any Act and any documents purporting to be signed by magistrates under the provisions of any law for the time

being in force, without proof of the sealing or signing thereof by the several officers mentioned herein; and

- (b) any document under the hand of the Minister purporting to be a certificate issued pursuant to the Land Surveyors Act, Cap. 187, without proof of execution.

Cancellation of record at suit of person injuriously affected.

90.—(1) Any person injuriously affected by any document recorded under this Part may bring an action in the Supreme Court claiming to have the record of such document cancelled.

(2) In every such action the burden of proof that such document was rightly recorded shall lie upon the defendant, but every affidavit, declaration, oath and acknowledgment made in accordance with this Part and recorded with such document and the record or a copy certified by the Registrar to be correct of such affidavit, declaration, oath or acknowledgment shall be admissible in evidence,

- (a) in proof that the person by whom such affidavit, declaration, oath or acknowledgment was made is dead; and
- (b) in every other case in which the Court under special circumstances thinks fit.

(3) The court shall adjudge whether such record shall be cancelled or not.

(4) If the court orders any such record to be cancelled, the Registrar shall cancel it accordingly and shall on or by the side of such record write the name and number of the suit in which such order was made and the date of such order.

Power of Registrar to make rules.

91.—(1) The Registrar may from time to time make rules for the purpose of,

- (a) ensuring the good order and management of the Registry, carrying into effect the objects for

4 of 1967.

- which it is established and preserving the records therein;
- (b) prescribing the manner and form in which any information required by law to be furnished to the Registrar shall be furnished, verified, recorded or noted in the Registry;
 - (c) supplementing the provisions of Parts III, IV, V and VI of this Act; 10 of 1958.
 - (d) regulating the functions of the Registrar under Parts III, IV, V and VI of this Act;
 - (e) prescribing, subject to this Act, the manner whereby certificates of title, transfers, deeds creating legal charges and incumbrances and other deeds, memoranda, plans, maps, diagrams and documents, required to be registered or recorded, or used in the Registry are prepared, executed, attested, verified and filed;
 - (f) prescribing all the forms necessary for carrying the Law of Property Act, Cap. 190 and this Act into effect;
 - (g) regulating the procedure on application for a new proprietor's certificate in place of the one lost or destroyed;
 - (h) prescribing the form of cancellation of bonds or other deeds of any kind;
 - (i) prescribing the fees to be paid in the Registry in matters of all kinds and the costs payable to attorneys in respect of any matter or thing to be done under this Act;

- (j) prescribing any matter which may be prescribed under the Law of Property Act, Cap. 190 and this Act;
 - (k) prescribing the procedure in any proceedings to be taken either in the court or in the Registry under the Law of Property Act, Cap. 190 and this Act; and
 - (l) carrying into effect the provisions of all Parts of this Act.
- (2) All such rules shall be approved by the Minister.

4 of 1967.