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**SUBSIDIARY LEGISLATION**

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**TITLE BY REGISTRATION  
(CONFIRMATION OF TITLE) RULES**

**ARRANGEMENT OF RULES**

**RULE**

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**SUBSIDIARY LEGISLATION**

L. I. Gazette.  
28/11/1889.  
[12 of 1990].

**TITLE BY REGISTRATION  
(CONFIRMATION OF TITLE) RULES**

*made under section 181*

Commencement.

[22nd November 1889]

Short title.

1. These Rules may be cited as the –

**TITLE BY REGISTRATION  
(CONFIRMATION OF TITLE) RULES.**

Application for  
confirmation.

2. An application under section 133 of the Act shall be made by presenting a request to the Registrar of Titles. The request shall be according to the form in the Schedule, with such variations as circumstances may require.

Affidavit.

3. (1) The affidavit required by section 133(2) of the Act shall be made by the applicant and his solicitor, or by the applicant alone, if no solicitor is employed, or by leave of a Judge by any other person or persons. It shall state –

- (a) the class of certificate held by the applicant, that is whether of qualified or possessory title;
- (b) if the certificate is not the original certificate of its class, the date of the original certificate and a reference to the entry thereof in the register;
- (c) whether there have been any dealings with the land since the issue of the original certificate, and the nature of the dealings, if any, with references to the entries in the register relating to them;
- (d) the boundaries of the land and the names of all the adjacent occupiers;
- (e) who is or are in the actual occupation of the land;
- (f) that the deponent or each of the deponents (if more than one) has made due inquiry into the title, is not aware of any question or dispute as to the title (except such, if any, as is specified in the affidavit) and believes that,

except as aforesaid, the issue of the certificate applied for will not prejudice any estate, right or interest of any other person in, to or over the land.

(2) The affidavit shall be in the form in the Schedule, with such variations as circumstances may require.

4. Notice of the application shall be published as follows: by exhibiting the same on the door of the Court House of the High Court and at the place where the Magistrate's Court is held for the district in which the land or any part of it is situated; and by advertisement in the *Gazette* and also in one issue of any newspaper published in the State. The date of first publication shall be ascertained and conclusively determined by the Registrar by his certificate of the date on which the notice was first exhibited on the door of the Court House of the High Court.

Notice.  
[12 of 1990].

5. Service of the notice shall be made in the manner in which proceedings of the High Court are served.

Service of notice.

6. Where a petition is presented under section 135 of the Act, a Judge may, upon summons taken out by the applicant for the certificate, and served upon the petitioner, according to the practice of the High Court, require the petitioner within a limited period to give security for costs, for such amount and in such manner as the Judge directs, or to comply with any other conditions which the Judge thinks fit to impose, and may at any time enlarge the period so limited, whether before or after its expiration. At any time after the expiration of the period so limited or enlarged, if the conditions imposed are not complied with, the Judge shall, on the application *ex parte* of the applicant for the certificate, dismiss the petition or make such other order as seems to him just. No person who has presented a petition shall amend his petition, or present another without leave of a Judge, and upon such terms as the Judge directs.

Security for costs.

7. Where it appears to the Judge that the right of a person absent from the State may possibly be prejudiced by the issue of a certificate under Part IV of the Act he may either postpone the issue of such certificate and direct notice of the application to be given or served in such manner as he thinks proper, or may direct the certificate to issue, qualified in such manner as he thinks necessary, in order to save the right of such person, or may take such other means for protecting the interests of such person as appear to the Judge in the particular case to be proper.

Rights of persons  
absent from the  
State.

**Final application.**      **8.** A final application under section 136 of the Act shall be made by presenting a request to the Registrar of Titles. Such request shall be according to the form in the Schedule, with such variations as circumstances may require.

**Time for making application.**      **9.** The application may be made at any time not later than three months after the expiration of the period of five years from the date of the first publication of the notice of application and, by leave of a Judge, at any subsequent time, not later than one year after the expiration of the said period.

**Affidavit.**      **10.** (1) The affidavit accompanying the application shall be made by the applicant and his solicitor, or by the applicant alone if no solicitor is employed or, by leave of a Judge, by any other person or persons. It shall state –

- (a) whether there have been any dealings with the land since the first application for a certificate under Part IV of the Act, and the nature of the dealings, if any, with references to the entries in the register relating to them;
- (b) the boundaries of the land and the names of all the adjacent occupiers;
- (c) who is or are in the actual occupation of the land;
- (d) that the deponent or each of the deponents (if more than one) has since the expiration of the said period of five years made due inquiry into the title, is not aware of any question or dispute as to the title (except such, if any, as is specified in the affidavit) and believes that, except as aforesaid, the issue of the certificate applied for will not prejudice any estate, right or interest of any other person in, to or over the land.

(2) The affidavit shall be in the form in the Schedule with such variations as circumstances may require.

**Plan.**      **11.** Where no plan of the land is registered, unless a final certificate not conclusive as to extent or boundaries is applied for, a plan, drawn by a licensed surveyor and according to any rule for the time being in force under the Title by Registration Acts 1886 to 1889 or any of them, must accompany the final application, and the affidavit accompanying such application shall state by whom the plan was drawn and show its accuracy by the affidavit of a licensed surveyor who has visited the ground and verified the plan.

**SCHEDULE**

**FORM OF FIRST REQUEST FOR CONFIRMATION OF  
POSSESSORY TITLE**

**POSSESSORY TITLE**

**COMMONWEALTH OF DOMINICA**

*Title by Registration Act, Ch. 56:50*

**FIRST REQUEST FOR CONFIRMATION OF TITLE**

To the Registrar of Titles of the Commonwealth of Dominica.

1. I,  
of \_\_\_\_\_ am the registered proprietor with possessory title of  
the lands comprised in a certificate dated  
Register book \_\_\_\_\_ folio \_\_\_\_\_

2. I request that a certificate of indefeasible title to the said lands may be granted.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Signature of applicant  
Signed before and in the presence of: ]

Witness.

**FORM OF AFFIDAVIT TO ACCOMPANY FIRST REQUEST FOR  
CONFIRMATION OF POSSESSORY TITLE**

**COMMONWEALTH OF DOMINICA**

*Title by Registration Act, Ch. 56:50*

Application of

We A. B. of \_\_\_\_\_ and C. D. of \_\_\_\_\_ Esquire, Barrister-at-law, severally  
make oath and say as follows:

I the said C. D. for myself say --

1. I am the solicitor for the said A. B. in the matter of his said application.

I the above named A. B. \_\_\_\_\_ for myself say --- --- --- ---  
--- --- --- --- --- --- --- --- --- --- --- ---

2. I am the applicant for a certificate of indefeasible title for all that, etc. in respect of which I am the holder of a certificate as registered proprietor with possessory title. The said certificate refers to a plan [or, does refer to any plan].
3. The original certificate with possessory title in respect of the said lands was granted on the \_\_\_\_\_ of 19\_\_\_\_, to E. F. as registered proprietor with possessory title.  
(Reg. \_\_\_\_\_ Vol. \_\_\_\_\_ fol. \_\_\_\_\_).
4. A mortgage dated the \_\_\_\_\_ of 19\_\_\_\_, was noted on the said original certificate securing repayment to G. H. of the sum of \$ \_\_\_\_\_ with interest.
5. In consequence of a memorandum of transfer signed by the said E. F., the said original certificate was cancelled and the certificate of which I am the holder as aforesaid granted to me with a noting thereon of the said mortgage to G. H.
6. In consequence of a discharge of the said mortgage signed by the said G. H. the noting of the said mortgage was cancelled.
7. Save as aforesaid there have been no dealings with the said lands.
8. The said lands abut as follows, viz –  
Save as aforesaid there is no land abutting on the lands in respect of which a certificate is now applied for and no occupier known to me of any land so abutting.
9. K. L. of \_\_\_\_\_ is in the actual occupation of a provision ground, parcel of the said lands in respect of which a certificate is now applied for, situated at \_\_\_\_\_ and bounded,  
I am in the actual occupation of all the rest of the said last-mentioned lands.  
We the said A. B. and C. D. severally say –
10. Each of us has made due inquiry into the title of the last-mentioned lands. Neither of us is aware of any question as to the title (except \_\_\_\_\_) and each of us believes that except as aforesaid the issue of the certificate now applied for will not prejudice any estate, right or interest of any other person in, to or over the said last-mentioned lands.

*Title by Registration  
(Confirmation of Title) Rules*

[Subsidiary]

FORM OF FINAL REQUEST FOR CONFIRMATION OF  
POSSESSORY TITLE

POSSESSORY TITLE

COMMONWEALTH OF DOMINICA

*Title by Registration Act, Ch. 56:50*

FINAL REQUEST FOR CONFIRMATION OF TITLE

To the Registrar of Titles of the Commonwealth of Dominica.

I, \_\_\_\_\_ of \_\_\_\_\_ am the registered proprietor  
with possessory title of the lands comprised in a \_\_\_\_\_ certificate  
dated \_\_\_\_\_  
Register Book \_\_\_\_\_ folio \_\_\_\_\_

2. I hand in the said certificate [and a plan of the said lands].

3. I request that the application for a confirmation of the title to the said lands  
first made by a request \_\_\_\_\_ presented the day  
of \_\_\_\_\_, 19\_\_\_\_ may be further considered (with this modification, I  
desire a certificate of title not conclusive as to extent or boundaries, but  
otherwise indefeasible).\*

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature of applicant  
Signed before and in the presence of: ]

Witness.

\* The part between brackets can be added if necessary.

FORM OF AFFIDAVIT TO ACCOMPANY FINAL REQUEST FOR  
CONFIRMATION OF POSSESSORY TITLE

COMMONWEALTH OF DOMINICA

*Title by Registration Act, Ch. 56:50*

Application of

We, A. B. of \_\_\_\_\_ and C. D. of \_\_\_\_\_ Esquire, Barrister-at-law, severally  
make oath and say as follows:

I the said C. D. for myself say –

1. I am the solicitor of the said A. B. in the matter of his said application.

And I the said A. B. for myself say –

2. There have been no dealings with the lands in respect of which a certificate is applied for since the            of            the date of the first application for such certificate. [*If there have been dealings state them concisely and add, save as aforesaid there have been no dealings with the lands in respect of which a certificate is applied for since the            of            the date of the first application for such certificate.*]

3. The said lands abut as follows, viz. –

Save as aforesaid there is no land abutting on the said lands in respect of which a certificate is applied for and no occupier known to me of any land so abutting.

4. The said lands in respect of which a certificate is applied for are now in the actual occupation of

And we the said A. B. and C. D. severally say –

5. Each of us has since the expiration of five years from the            of            the date of the first publication of the notice of this application made due inquiry into the title of the said lands in respect of which a certificate is applied for. Neither of us is aware of any question or dispute as to the title (except            ) and each of us believes that (except as aforesaid) the issue of the certificate now applied for will not prejudice any estate, right or interest of any other person in, to or over the said last-mentioned lands.

And I the said A. B. for myself say –

6. I have carefully examined the plan\* accompanying the final request and believe the same to be a true and accurate plan of the same last-mentioned lands. The said plan was drawn by

*Licensed Surveyor.*

*Note:-* These forms must be modified to meet the case of a qualified title.

\* To be added where a plan accompanies the final request.