

**SUBSIDIARY LEGISLATION****TITLE BY REGISTRATION  
(POSSESSORY AND QUALIFIED TITLE) REGULATIONS****ARRANGEMENT OF REGULATIONS**

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**SUBSIDIARY LEGISLATION**

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Gazette.  
15/8/1880.

**TITLE BY REGISTRATION**  
**(POSSESSORY AND QUALIFIED TITLE) REGULATIONS**

*made under section 181*

Commencement.

[5th September 1889]

Short title.

1. These Regulations may be cited as the –

**TITLE BY REGISTRATION**  
**(POSSESSORY AND QUALIFIED TITLE) REGULATIONS.**

Application.

2. Subject to these Regulations, any person who considers himself entitled to the absolute legal ownership of any land, either in his own right or as trustee for some other person, or to such ownership subject only to tenancies or incumbrances, and who is or would, but for some tenancies or incumbrances, be in actual possession of the land, may apply for a certificate of possessory title.

Contents of  
request.

3. The request shall show –

- (a) if the land is in the occupation of a tenant, who the tenant is, the nature of his tenancy, and to whom he has attorned or is willing to attorn;
- (b) if the applicant is a trustee, the person beneficially entitled;
- (c) all incumbrances and the names of the incumbrancees;
- (d) any person as to whom there is reason to believe that he claims any right or interest in the said land, except public rights, easements and profits *a prendre*. In every request a place shall be stated where the applicant may be served with notices or other documents.

Notice by  
Registrar.

4. When the request is presented the Registrar of Titles shall cause notice thereof, showing the date of presentation, the name and description of the applicant, the land to which the application relates, the person or persons in whose favour the certificate or any noting thereon is applied for, and the interest to be assured to every such person, to 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 is situated, and by advertisement

in the *Gazette* and also, in those islands in which a newspaper is published, in two issues of any such newspaper. No certificate shall issue till the expiration of twenty-one days from the latest of such publications.

5. Every published notice shall contain a statement to the effect that anyone who objects to the issue of a certificate as applied for must, within twenty-one days from the first publication of the notice, enter a caveat at the office of the Registrar of Titles.

Notice to invite objections.

6. The applicant shall cause similar notice to be served upon all persons named in the request as beneficial owners, incumbrances or claimants, and upon such other persons as a Judge may direct. Service shall be effected in the manner in which proceedings of the High Court are served.

Service by applicant.

7. A Judge may, if he thinks fit, dispense with the service of any notice required to be served.

Judge may dispense with notice.

8. A certificate shall not be granted until the expiration of twenty-one days from the service of the latest served of the notices required to be served.

Delay before issue of certificate.

9. Every notice served shall contain a statement to the effect that any person served who objects to the issue of the certificate as applied for must, within fifteen days from the service upon him, enter a caveat at the office of the Registrar of Titles.

Contents of notice.

10. No notice shall be given except as required by these Regulations.

Notice as required by Regulations.

11. The applicant must show, by his own affidavit or other sufficient evidence, in respect of the continuous period of one year next before the presentation of the application, that he has been, or but for some tenancy or incumbrance would have been, in actual and uninterrupted possession of the land; or that he and those under whom he derives title have been, or but for some tenancy or incumbrance would have been, in such possession.

Affidavit of applicant.

12. The terms under which the actual occupant, whether as tenant or otherwise, is in occupation must be shown by the affidavit of such occupant or other sufficient evidence.

Actual terms of occupation.

Proof of  
averments.

13. *Prima facie* evidence must be given of the averments in the request as to incumbrances and claims. In general an affidavit of the applicant and of his solicitor, if a solicitor is employed, in which the deponent or each deponent speaks to the best of his knowledge, remembrance, information and belief, will be necessary and sufficient. But a Judge may, if he thinks fit, accept or require other evidence.

Plan.

14. An applicant may, if he pleases, hand in a plan to be lodged with the request, but shall not be bound to do so. In any case he must in his request describe the land by abuttals or otherwise, with reasonable certainty. A Judge may require a better description to be supplied.

Value under five  
hundred dollars.

15. Where the value of the land in respect of which a certificate is applied for appears not to exceed five hundred dollars the applicant shall not be required, unless a Judge otherwise directs, to cause any notice to be served or to produce any evidence. But he will in general be required to satisfy the Magistrate of the district in which the land or some part thereof is situated, of the truth of the material statements of the request.

Judge to examine  
evidence.

16. The evidence or title tendered by an applicant for a possessory title shall be examined by a Judge as far as may be in the same manner and subject to the provisions which apply in the case of applications for indefeasible titles.

Qualified title.

17. An applicant for a certificate of qualified title must, in his request, state precisely the qualification which he desires to have embodied in the certificate. The title shall be examined and the procedure and practice be the same as in the case of an application for a certificate of indefeasible title.

On application  
for indefeasible  
title.

18. In the case of an application for a certificate of indefeasible title, a Judge, if after examination of the title and the evidence thereof, he considers that the applicant is not entitled to such a certificate but is entitled to a certificate of qualified title, may, with the consent of the applicant and of any other person whose consent the Judge thinks it just to require, grant a certificate of qualified title, according as the Judge considers the applicant entitled.

*Miscellaneous*

19. Contributions to the Assurance Fund shall be paid by such stamps as are used for the payment of fees in the High Court, with the words "Assurance Fund" over printed. The stamps shall be affixed by the Registrar of Titles to the registered certificate and shall be cancelled by the Registrar as stamps for collecting fees in the High Court are cancelled. Assurance Fund.
20. The stamps shall be sold at the Treasury Offices of the respective State in any quantity that a purchaser may require, and no discount shall be allowed to any purchaser. Stamps to be sold at Treasury.
21. The moneys arising from the sales shall be paid to the credit of the Titles to Land Assurance Fund. Credit of Assurance Fund.
22. A receiver may be appointed under section 18 of the Act in the same manner as receivers are appointed in actions. He shall be remunerated by such poundage (if any) as the Court directs, not exceeding ten per cent on the sums collected. Receivers.
23. A receiver may be empowered by the Court to manage the property in respect of which he is appointed receiver. Receiver may be empowered to manage.
24. The forms contained in the Schedule, as also the forms contained in the Schedule of Forms to the Act, may be used in cases to which they are applicable, with such modifications (if any) as may be required. Forms.

SCHEDULE

FORM 1

POSSESSORY TITLE

COMMONWEALTH OF DOMINICA

Title by Registration Act, Ch. 56:50

REQUEST FOR ISSUE OF CERTIFICATE OF TITLE

To the Registrar of Titles of the Commonwealth of Dominica.

I, \_\_\_\_\_ of \_\_\_\_\_ in the Commonwealth  
of Dominica am owner of \_\_\_\_\_ in the said Commonwealth of  
Dominica commonly called \_\_\_\_\_ and bounded as follows, viz. –

The said \_\_\_\_\_ now and has been ever since \_\_\_\_\_ in  
actual occupation.

The said \_\_\_\_\_ of the extent of \_\_\_\_\_ and  
is so far as I can estimate the same of the value of \$ \_\_\_\_\_

There are no mortgages or incumbrances affecting the same.

There is no other person claiming to be owner of said lands or claiming any right  
or interest therein except public rights, easements and profits *a prendre*.

For the purpose of dealing with the said estate and obtaining a possessory title  
I request that a certificate of title as registered proprietor may be issued to me  
of the lands above set forth.

And I hand in herewith the title deeds under which I hold the said lands as owner  
aforesaid, which are enumerated and set forth in the Schedule attached hereto.

I have not knowingly withheld any fact concerning the said lands which ought  
to have been disclosed in making this request, and I have truly and honestly to  
the best of my knowledge and belief represented the truth concerning the title  
thereof.

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

*Signature of Applicant.*

Signed before and in the presence of \_\_\_\_\_ Witness.

Note. - If the request is made by a mortgagor or incumbrancer with the consent of the  
mortgagees or incumbrances this form must be modified accordingly.

FORM 2

QUALIFIED TITLE

COMMONWEALTH OF DOMINICA

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

REQUEST FOR ISSUE OF CERTIFICATE OF TITLE

To the Registrar of Titles of the Commonwealth of Dominica.

I, \_\_\_\_\_ of \_\_\_\_\_ in the Commonwealth of Dominica am the holder of the title and owner in possession of \_\_\_\_\_ in the said Commonwealth of Dominica commonly called \_\_\_\_\_ and bounded as follows, viz. –

The deed under which I hold the \_\_\_\_\_ is

The said \_\_\_\_\_ is of the extent of \_\_\_\_\_ and in so far as I can estimate the same of the value of \$ \_\_\_\_\_

There are no mortgages or incumbrances affecting the same.

There is no other person claiming to be owner of said lands except claims arising under the qualification herein stated.

For the purpose of dealing with the said \_\_\_\_\_ and obtaining a qualified title I request that a certificate of title as registered proprietor may be issued to me of the lands above set forth, placing upon the certificate of title or attaching thereto the plan of the said lands made and drawn by \_\_\_\_\_ licensed surveyor which accompanies this request.

And I hand in herewith the title deeds under which I hold the said lands as owner aforesaid, which are enumerated and set forth in the Schedule attached hereto.

The qualification which I desire to have noted or endorsed on the certificate is as follows, viz. –

I have not knowingly withheld any fact concerning the said lands which ought to have been disclosed in making this request, and I have truly and honestly to the best of my knowledge and belief represented the truth concerning the title thereof.

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

*Signature of Applicant.*

Signed before and in the presence of \_\_\_\_\_ Witness.

Note. - If the request is made by a mortgagor or incumbrancer, or limited owner with the consent of the mortgagees or incumbrancees or other persons interested, this form must be modified accordingly.

[Subsidiary]

Title by Registration  
(Possessory and Qualified Title) Regulations

FORM 3

POSSESSORY TITLE

COMMONWEALTH OF DOMINICA

Title by Registration Act, Ch. 56:50

CERTIFICATE

LAND TITLES -

Register Book Fol.

KNOW ALL MEN TO WHOM THESE PRESENTS shall come, that is registered proprietor with possessory title of

Subject nevertheless to the mortgages and incumbrances which are noted or endorsed hereon.

In faith and testimony whereof I have hereunto subscribed my name and affixed the seal of my office this day of 19 .

.....  
Signature of Registrar of Titles.

FORM 4

QUALIFIED TITLE

COMMONWEALTH OF DOMINICA

Title by Registration Act, Ch. 56:50

CERTIFICATE OF TITLE

LAND TITLES -

Register Book Fol.

KNOW ALL MEN TO WHOM THESE PRESENTS shall come, that is registered proprietor of

All as the same are delineated and set forth on the plan thereof by licensed surveyor annexed hereto.

Subject nevertheless to the qualification mortgages and incumbrances which are noted or endorsed hereon.

In faith and testimony whereof I have hereunto subscribed my name and affixed the seal of my office this day of 19 .

.....  
Signature of Registrar of Titles.