ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Application for Loan And Procedure Thereafter

3. Procedure to be followed with respect to loans.
4. Documents and particulars to be submitted.
5. Publication of notice of application.
6. Representative of the Committee to attend on land and note objections – acknowledgment of objections.
7. Prohibition of and procedure with respect to frivolous objections.
8. Duty of officers and representatives of Committee to disclose knowledge of objections.
9. Circumstances in which a mortgage may or may not be accepted by Committee.
10. Effect of mortgage.
11. Mortgage under this Act to indicate that fact.
12. Title may be registered.
13. Certificate of compliance with the necessary formalities.
14. Deeds and Land Registry Act to prevail over this Act.
15. Mortgage to secure further or future advances to operate as a continuing security.
16. Searches by the Committee.
17. The Committee not under obligation to make a loan in reliance on the provisions of this Act.

PART III

Claims by Persons Deprived of Land and Procedure Thereafter

18. Person deprived of land may bring action for damages.
19. Application to Minister for compensation may be made before commencement of action.
20. Payment of additional compensation to avoid hardship.
21. Notice of action to be served on the Minister.
22. Certificate of judgement.
23. Limitation of actions.
24. Limitation on rights to compensation.
25. Non-suit on ground of fraud or negligence.
26. Actions against estates of deceased persons, bankrupts and persons who cannot be found.
27. Government to exercise power of sale where compensation paid

during subsistence of mortgage.

PART IV

Establishment of Compensation Fund and Incidental Provisions

28. Compensation Fund.
29. Recovery of compensation paid by mistake.

PART V

Civil Proceedings – Jurisdiction

30. Designation of Minister for purposes of litigation.
31. Costs awarded against Minister to be paid out of Compensation Fund.
32. Jurisdiction in civil cases.

PART VI

Exemption from Duties and Fees – Recording

33. Exemption from duties and fees.
34. Memorandum of mortgage to be filed.

PART VII

Offences, Penalties, Jurisdiction

35. Offences.
36. Trial of offences.
37. False statements in forms.

PART VIII

Delegation of Powers

38. Delegation by Minister.
39. Powers of Minister.
First Schedule Forms
Second Schedule Classes of Persons Authorised to give Certificates under Section 4(b)

CHAPTER 99

FACILITIES FOR TITLE ACT

An Act to facilitate proof of and to perfect title to land in cases of loans made to small farmers and other persons on security thereof and to protect such security with a view to encouraging agricultural and other development, and for connected purposes.

[Amended by Act No. 4 of 1967.]

[13*th August*, 1956.]

PART I

Preliminary

1. Short title

This Act may be cited as the Facilities for Title Act.

2. Interpretation

In this Act—

"agricultural purpose" includes any purpose for the encouragement or promotion of agricultural, horticultural or pastoral activities, afforestation, apiculture, fishculture or the keeping or breeding of livestock or poultry;

"Committee" means the Central Agricultural Rehabilitation Committee established under the Agriculture (Hurricane Rehabilitation) Act, Chapter 11, and includes the Board of the Grenada Development Bank;

"compensation" means compensation from the Compensation Fund;

"Compensation Fund" means the Compensation Fund established under section 28;

"date of deprivation" means the date on which the land in relation to which the expression is used vests under the provisions of this Act in the Government as mortgagee;

"land" means land in respect of which a loan or an application for a loan is made in accordance with the provisions of this Act;

"magistrate" means the magistrate for the district in which the land is wholly or in part situate;

"magistrate's court" means magistrate's court for the district in which the land is wholly or in part situate;

"Minister" means the Minister for the time being responsible for agriculture;

"mortgage" means any document operating as a mortgage and expressed to be made in reliance on the provisions of this Act whether or not the same incorporates any other agreement or type of security;

"necessary formalities" means the formalities prescribed by sections 4, 5, 6, 9 and 11;

"predecessors in title" includes all persons from or through whom an applicant for a loan derives legal or equitable title to the estate which he or she claims in the land.

PART II

Application for Loan and Procedure Thereafter

3. Procedure to be followed with respect to loans

Where a person applying to the Committee for a loan for an agricultural purpose, or for a purpose declared under section 39 to be an approved purpose, is unable to show a good title which satisfies the Committee he or she may adopt the procedure hereinafter prescribed.

4. Documents and particulars to be submitted

The person applying for the loan shall submit to the Committee—

(*a*)

an application in the appropriate form set out in the First Schedule, the particulars of which shall be verified by a statutory declaration made by the applicant; and

(*b*)

certificates in the appropriate form set out in the First Schedule from at least two persons of any one or more of the classes mentioned in the Second Schedule to the effect that within their personal knowledge the applicant for the loan is the reputed owner of an estate in fee simple in the land in respect of which the application is made and has been in continuous and undisturbed possession of the land by himself or herself, his or her agents or tenants for a period of at least seven years or for a period which when added to any period or periods of continuous and undisturbed possession of the land by his or her predecessors in title as reputed owners in fee simple amounts to at least seven years and is in possession of the land on the date of the application;

(*c*)

receipts or a certificate from an officer duly authorised to issue the same showing payment of quit rents, land tax, rates and accounts in relation to the land, by the applicant or by the applicant and his or her predecessors in title for the period of possession stated in the certificates mentioned in paragraph (*b*) of this section or, where different periods are stated, for the longer of those periods;

(*d*)

all deeds and other documents in his or her possession relating to the title to the land.

5. Publication of notice of application

(1) If the Committee is in favour of making a loan the Committee shall cause notice of the application in the appropriate form set out in the First Schedule to be published in two consecutive ordinary issues of the *Gazette* and, as soon as may be convenient after the receipt of the application but not later than the date of first publication in the *Gazette*, the Committee shall—

(*a*)

put up a copy of the notice in some conspicuous place on the land and in at least two other places in the vicinity of the land; and

(*b*)

send a copy of the notice by registered post to every person (other than the applicant) stated in the application to be an occupier of the land or to be an occupier or owner of any land contiguous thereto.

(2) The Government Printer may, in order to save expense, combine in one notice in such manner as may be convenient any number of notices received by him or her for publication in the *Gazette* under this section, so, however, that all the particulars required to be inserted in the notice in respect of each application are clearly and accurately stated.

6. Representative of the Committee to attend on land and note objections – acknowledgment of objections

(1) On the date and the hour mentioned in the notice of application, which date shall be not earlier than the first publication of the notice in the *Gazette* nor less than ten nor more than twenty-eight clear days after copies of the notice have been sent by registered post as provided by section 5, the Committee shall cause a representative duly authorised to act on its behalf to attend on the land, view the same, check the boundaries thereof and note any objection or information pertaining to the title or boundaries that may be stated or given by any person.

(2) Where from any cause beyond the control of the Committee or its representative the latter is unable to attend on the land on the date mentioned in the notice of application the same or any other representative of the Committee may subsequently attend on the land within three months of the first publication of the notice of application in the *Gazette* for the purposes specified in subsection (1), if notice of his or her intention to do so on a specified date and at a specified hour be sent at least ten clear days before the date of attendance by registered post, addressed to the persons to whom copies of the notice of application are required to be sent by registered post under section 5(1).

(3) A representative shall on the occasion of his or her attendance on the land for the purposes specified in subsection (1) give to any person stating any objection pertaining to the title or boundary of the land a written acknowledgment of the objection with the particulars thereof.

7. Prohibition of and procedure with respect to frivolous objections

(1) No person shall notify to the Committee or to any representative of the Committee any objection to the acceptance of a mortgage (whether as to title, boundaries or any other matter) without having reasonable grounds for so doing.

(2) Any person who notifies any such objection as aforesaid, without having reasonable grounds for so doing, shall be liable to the applicant affected as for a tort.

(3) If the applicant succeeds in any action instituted under subsection (2) the Committee may, on receipt of a certificate disclosing the issues determined and the result thereof and signed by the clerk of the magistrate's court (whose duty it shall be to issue the same at the request of the applicant), disregard the objection and accept a mortgage from the applicant in accordance with the provisions of section 9(1).

(4) In any subsequent application by the same applicant the Committee shall disregard the objection or any renewal thereof.

8. Duty of officers and representatives of Committee to disclose knowledge of objections

(1) Every representative of the Committee and every officer thereof shall inform the Committee in writing of any objection (whether as to title, boundaries or any other matter) which is made or communicated to him or her or of any knowledge which he or she may have that any person is entitled to or claims an estate or interest in the land or a boundary adverse to the title of an applicant for a loan.

(2) The duty to inform the Committee imposed by subsection (1) shall be sufficiently discharged if such representative or officer communicates all matters of or concerning which he or she is required under the said subsection to inform the Committee to the chairperson of the Committee.

(3) Until so informed the Committee shall be deemed not to have notice of any such objection or knowledge of any such adverse right or claim.

9. Circumstances in which a mortgage may or may not be accepted by Committee

(1) Subject to the provisions of subsection (2) the Committee may accept a mortgage if it is executed after the expiration of thirty days and before the expiration of six months from the second publication of the notice of application in the *Gazette* in accordance with section 5 or from the date on which a representative of the Committee attends on the land in accordance with section 6, whichever event be the later.

(2) The Committee shall not accept a mortgage in any case where—

(*a*)

an objection as to title or boundaries has been notified to it, unless the objection has been withdrawn in writing in the appropriate form set out in the First Schedule; or

(*b*)

it has knowledge that any person is entitled to or claims an estate or interest in the land or a boundary adverse to the title of the applicant.

10. Effect of mortgage

(1) A mortgage executed after compliance with the necessary formalities shall be valid for all purposes and shall, subject to the provisions of subsection (2), vest indefeasibly in the Government the estate in fee simple in the land, as mortgagee, and thereupon there shall be vested indefeasibly in the mortgagor the equity of redemption in the estate in fee simple in the land.

(2) The estate and interest of the mortgagor and the mortgagee shall be subject to all public rights of way, and to all easements acquired by enjoyment or user, or subsisting over or upon or affecting the land at the date of the mortgage and to all quit rents, taxes, rates and assessments unpaid at that date.

11. Mortgage under this Act to indicate that fact

Every mortgage made in reliance on the provisions of this Act shall be expressed to have been so made, as a condition to enjoying the benefits and protection of this Act and operating as herein provided.

12. Title may be registered

For the avoidance of doubt it is hereby expressly declared that the title to the land shall, after execution of a mortgage, be capable of being registered under the Deeds and Land Registry Act, Chapter 79, and for the purpose of such registration the certificate provided for in section 13 of this Act shall be accepted as proof of the title to the land therein described and shall be duly registered by the Committee in the Deeds and Land Registry as an instrument affecting land.

13. Certificate of compliance with the necessary formalities

A certificate in the appropriate form set out in the First Schedule signed by an officer of the Committee duly authorised by the Committee in that behalf to the effect that a mortgage has been duly executed and that the necessary formalities have been complied with in respect of that mortgage shall for all purposes and in all legal proceedings be *prima facie* proof of the fact of the mortgage and that it relates to the land described in the certificate and the mortgage and that the necessary formalities have been complied with and every such certificate shall be signed in the presence of and witnessed by a Justice of the Peace.

14. Deeds and Land Registry Act to prevail over this Act

When a mortgage is made in respect of land which is subject to the provisions of the Deeds and Land Registry Act, Chapter 79, the operation of that Act shall not be affected by the provisions of this Act.

15. Mortgage to secure further or future advances to operate as a continuing security

A mortgage may be executed under this Act for the purpose of securing further or future advances or so as to operate as a continuing security.

16. Searches by the Committee

Nothing in this Act shall relieve the Committee of the responsibility of making any necessary or prudent searches and inquiries in the Deeds and Land Registry and in the records of the Supreme Court.

17. The Committee not under obligation to make a loan in reliance on the provisions of this Act

The Committee shall not be under any obligation to make a loan in reliance on the provisions of this Act to any person.

PART III

Claims by Persons Deprived of Land and Procedure Thereafter

18. Person deprived of land may bring action for damages

(1) Any person deprived of land or of an estate or interest in land in consequence of the provisions of this Act may bring and prosecute an action for the recovery of damages against the person who, as mortgagor, executed the mortgage which resulted in his or her being so deprived.

(2) If the mortgagor is dead or has been adjudged bankrupt or cannot be found within Grenada, or if the bailiff of the court in which judgement is entered certifies that the mortgagor is unable to pay the full amount awarded against him or her, a claim for damages or the damages or the portion thereof which the bailiff fails to recover from the mortgagor, together with the costs of the action, may be made against or recovered from the Compensation Fund by action against the Minister as nominal defendant.

(3) Any damages awarded against a mortgagor not guilty of fraud in making his or her application for a loan or in executing a mortgage and any damages recoverable out of the Compensation Fund shall be limited to the value of the land at the date of deprivation.

(4) A mortgagor who is a defendant in any action brought under subsection (1) may claim damages or an indemnity against a third party as in any other action.

19. Application to Minister for compensation may be made before commencement of action

(1) Any person entitled to bring an action under section 18 to recover damages shall before commencing proceedings apply in writing to the Minister for compensation (stating the amount claimed by him or her) and the application shall be supported by affidavits or statutory declarations in proof of the claim.

(2) The Minister may, with the consent of the Attorney-General, admit the claim or any part thereof, so long as the amount admitted does not exceed the value of the land at the date of deprivation and thereupon the amount claimed or admitted and accepted by the claimant shall be paid to him or her by the Accountant-General, on the direction of the Minister, out of the Compensation Fund.

(3) Where any payment is made out of the Compensation Fund the Minister may proceed under section 18 as if he or she were the person deprived of the land or of an estate or interest therein (as the case may be) against any person who may be sued under that section, and any amount recovered from any such person shall be paid to the Accountant-General to be lodged to the credit of the Compensation Fund.

(4) Any person to whom an amount has been paid out of the Compensation Fund shall not thereby be deprived of the right to bring an action against the mortgagor for any additional damages to which he or she may be entitled where the mortgagor has been guilty of fraud in making his or her application for a loan or in executing a mortgage.

20. Payment of additional compensation to avoid hardship

Where the Minister, after consultation with the Attorney-General, considers that it would be just and equitable, because of exceptional circumstances, to pay to a claimant compensation exceeding the sum that would, but for this section, be recoverable or payable out of the Compensation Fund (whether pursuant to section 18(2) or 19(2)), the Minister may, with the consent of the Attorney-General, approve payment to the claimant, out of the Compensation Fund, of an additional sum not exceeding twenty-five per cent of the sum that would otherwise be recoverable or payable out of the Compensation Fund.

21. Notices of action to be served on the Minister

Where any person wishes to bring an action for the recovery of damages against the Minister, as nominal defendant, such person shall serve notice in writing of the action and of the cause thereof upon the Minister at least one month before the commencement of the action, and if judgement is given in favour of the Minister, or the plaintiff discontinues the action or is non-suited, the plaintiff shall be liable to pay the full costs of defending the action and the costs, after being taxed, shall be recovered in the name of the Minister in the same manner as costs awarded in any other action.

22. Certificate of judgement

(1) If in any action under this Act a plaintiff is awarded final judgement against the Minister, then the Judge or magistrate before whom the action is tried, or the Court of Appeal in the case of an appeal, shall certify the fact of such judgement and the amount of damages and costs awarded.

(2) The amount of any damages and costs certified as provided by subsection (1) shall be paid by the Accountant-General out of the Compensation Fund to the person to whom the damages and costs have been awarded.

23. Limitation of actions

(1) Subject to the provisions of subsection (2), no action for the recovery of damages sustained through deprivation of land, or of any estate or interest in land, shall lie or be maintained against the Minister as nominal defendant or against the Compensation Fund or against the mortgagor in consequence of whose mortgage the deprivation was suffered, unless such action is commenced within the period of six years from the date of deprivation.

(2) Any person who has been under the disability of infancy or unsoundness of mind may bring an action for deprivation of land or of any estate or interest therein within six years after the date on which the disability ceased, but not later than thirty years after the date of deprivation.

24. Limitation on rights to compensation

No compensation shall be paid to any person claiming in respect of an estate or interest in land which is barred as a result of the operation of the Limitation of Actions Act, Chapter 173.

25. Non-suit on ground of fraud or negligence

The plaintiff shall in any action for the recovery of land or of any estate or interest therein or for damages in any action (whether brought under section 18 or otherwise) for deprivation of such land or estate or interest therein be non-suited in any case in which the deprivation or wrong complained of has occurred as a result of the operation of this Act if the Judge or the magistrate before whom the action is tried is satisfied that the plaintiff or the persons through or under whom he or she claims title had knowledge that an application has been made for a loan, and had fraudulently, wilfully or negligently omitted to notify the Committee of his or her right or claim or that the plaintiff had knowledge that a loan had been made and was guilty of undue delay in making his or her claim known to the Committee.

26. Actions against estates of deceased persons, bankrupts and persons who cannot be found

(1) Whenever any amount has been paid out of the Compensation Fund on account of any person who is dead the amount may be recovered from the estate of that person by action or suit in the name of the Minister against the personal representatives of that person.

(2) Whenever any amount has been paid out of the Compensation Fund on account of a person who has been adjudged bankrupt the amount shall be considered to be a debt due from the estate of the bankrupt and a certificate stating that the amount has been paid out of the Compensation Fund signed by the Accountant-General and delivered to the trustee shall be sufficient proof of the debt.

(3) Whenever any amount has been paid out of the Compensation Fund on account of any person who has absconded or who cannot be found within Grenada and who has left any real or personal estate within Grenada it shall be lawful for a Judge of the High Court, upon application by or on behalf of the Minister or upon the production of a certificate signed by the Accountant-General that the amount has been paid in satisfaction of a judgement against the Minister as nominal defendant, to allow the Minister to sign judgement against that person forthwith for the amount so paid out of the Compensation Fund together with the costs of the application.

(4) Any judgement signed under subsection (3) shall be final, and shall be signed in like manner as a final judgement by confession or default in an action and execution shall issue immediately in respect thereof.

(5) Where a person against whom judgement has been signed under subsection (3) has left no real or personal estate within Grenada sufficient to satisfy the amount for which execution has been issued, it shall be lawful for the Minister to recover the amount, or the unrecovered balance thereof, by action against that person at any time, if he or she is found within Grenada.

27. Government to exercise power of sale where compensation paid during subsistence of mortgage

(1) Where a person deprived of land or of an estate or interest in land receives compensation from the Compensation Fund and the mortgage in respect of the land is still subsisting, the Government shall exercise the power of sale vested in it by the mortgage and the residue of the sale money (after deduction and payment of all monies which may properly be deducted and paid under the mortgage or by law) shall be paid into the Compensation Fund.

(2) Before the exercise of the power of sale the Committee shall take steps to ascertain the market value of the land by valuation or otherwise and the person deprived of such land or of an estate or interest therein shall have the option of purchasing the said land at the value fixed by the Committee. Where a person so deprived fails within thirty days of a notification by the Committee of the value placed upon the land, to exercise his or her right to purchase and to pay the purchase money the option shall thereupon be extinguished.

(3) Where the amount received from the Compensation Fund by a person deprived of land or of an estate or interest in land is more than the amount paid into the Fund under subsection (1) in respect of the land the Minister may bring an action to recover the difference as if he or she were a person deprived of the land under section 18 against any person who may be sued under that section and any amount so recovered by the Minister shall be paid into the Compensation Fund.

(4) Where the amount received from the Compensation Fund by a person deprived of land or of an estate or interest in land is less than the amount paid into the Fund under subsection (1) the borrower shall be entitled to the difference, which shall be paid to him or her from the Fund, unless he or she has been guilty of fraud in making his or her application for a loan or in executing a mortgage.

28. Compensation Fund

(1) The Committee in making a loan shall deduct therefrom the amount prescribed under section 39 as the contribution to be made to the Compensation Fund, and such contribution shall be paid to the Accountant-General who shall place it to the credit of an account to be called "the Facilities for Title (Compensation Fund) Account" and shall, from time to time, invest the same together with all dividends and profits accruing thereon in Government securities or otherwise as the Minister may direct to constitute a Compensation Fund for the purposes of this Act.

(2) The Minister may, from time to time, make advances free of interest to the Compensation Fund out of the Consolidated Fund and grants out of sums provided in the estimates for the purpose and approved by the House of Representatives.

(3) The Accountant-General shall pay out of the Compensation Fund at such times and in such manner as the Minister may direct such sums as may be so directed in or towards repayment of advances made to the Compensation Fund under this section.

29. Recovery of compensation paid by mistake

Any compensation received under this Act by any person not legally entitled thereto may be recovered by the Minister from such person as a simple contract debt and any monies so recovered shall be paid into the Compensation Fund.

PART V

Civil Proceedings – Jurisdiction

30. Designation of Minister for purposes of litigation

In any action, suit or proceeding by this Act authorised to be instituted by or against the Minister it shall be sufficient to designate him or her as “the Minister for Agriculture” or by such other title as the Minister may for the time being be officially known and no such action, suit or proceeding shall abate or be affected by any change in the person holding the office of Minister, nor shall the Minister be personally liable under any judgement or order made therein or otherwise in respect thereof.

31. Costs awarded against Minister to be paid out of Compensation Fund

Any costs for which the Minister may become liable as plaintiff or nominal defendant in any action, suit or proceeding in pursuance of this Act shall be paid out of the Compensation Fund.

32. Jurisdiction in civil cases

Subject to the provisions of section 26(3), any action, suit or other legal proceeding which may be brought under this Act may be brought in the magistrate’s court where the amount of the claim does not exceed two hundred and fifty dollars in conformity with the procedure (including entry of judgement) appropriate to that court and where the amount of the claim exceeds two hundred and fifty dollars, in the High Court.

32. Jurisdiction in civil cases

Subject to the provisions of section 26(3), any action, suit or other legal proceeding which may be brought under this Act may be brought in the magistrate’s court where the amount of the claim does not exceed two hundred and fifty dollars in conformity with the procedure (including entry of judgement) appropriate to that court and where the amount of the claim exceeds two hundred and fifty dollars, in the High Court.

PART VI

Exemption from Duties and Fees – Recording

33. Exemption from duties and fees

(1) Notwithstanding anything to the contrary contained in any Act, where a loan is made by the Committee in accordance with the provisions of this Act no stamp duty or recording or registration fees shall be charged, demanded or paid in respect of any deed, instrument, writing, or receipt prepared or executed under or for the purposes of this Act.

(2) Upon every deed, instrument, writing or receipt exempted under the provisions of subsection (1) from the payment of any duties or fees in respect thereof a certificate in the appropriate form set out in the First Schedule shall be subscribed and indorsed by a duly authorised officer of the Committee.

(3) The exemption from duties and fees for which provision is made by subsection (1) shall in no case be deemed to prejudice or affect the operation of any deed, instrument, writing or receipt to which such exemption applies or any preferential charge created thereby.

34. Memorandum of mortgage to be filed

(1) Notwithstanding anything to the contrary contained in any Act, it shall not be necessary to record or to enter satisfaction in the record of any mortgage executed between a borrower and the Committee in respect of a loan made in accordance with the provisions of this Act unless and until it is deemed advisable to enforce it but instead of such recording it shall be notice to all the world of the existence of the mortgage if a memorandum in the appropriate form set out in the First Schedule and signed by the parties to the mortgage is filed in the Deeds and Land Registry within three months of the execution of the mortgage. It shall be the duty of the Committee in making a loan under the provisions of this Act to file in the Deeds and Land Registry the memorandum in the appropriate form set out in the First Schedule and signed by the parties to the mortgage within three months of the execution of the mortgage.

(2) Every mortgage in respect of which a memorandum is filed in accordance with the provisions of subsection (1) shall have the same force and effect as if it had been fully recorded.

(3) Every person interested in any land affected by any such mortgage shall be entitled to have access to the original for all proper purposes and at all reasonable times.

PART VII

Offences, Penalties, Jurisdiction

35. Offences

A person who—

(*a*)

obtains a loan under the provisions of this Act by means of any false representation;

(*b*)

receives any money under the provisions of this Act knowing he or she is not entitled thereto;

(*c*)

purports to act under the authority of this Act in the case of a loan which is not for an agricultural purpose or for a purpose declared under section 39 to be an approved purpose;

(*d*)

being the representative of the Committee refuses, fails or neglects to give an acknowledgment in accordance with section 6(3);

(*e*)

contravenes the provisions of section 7(1) or 8(1);

(*f*)

prepares, executes, or is in any way concerned in the preparation or execution of a mortgage, or accepts a mortgage on behalf of the Committee knowing that the mortgagor has made a false statement in his or her application or has failed to make therein a statement material to the validity of his or her title, or knowing that the mortgagor is not the true owner in fee simple of the land; or

(*g*)

wilfully and falsely indorses or subscribes on any deed, instrument, writing or receipt, the certificate provided for by section 33(2),

shall be deemed guilty of an offence.

36. Trial of offences

A person who commits an offence against this Act shall be liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for twelve months.

37. False statements in forms

A person who in any of the forms prescribed in the First Schedule knowingly makes any false statement or false representation and any person who aids, abets, assists, counsels, incites or induces another person to make or deliver any such form containing any statement as aforesaid shall be liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for six months.

PART VIII

Delegation of Powers

38. Delegation by Minister

The Minister may delegate to any person in writing the authority to exercise all or any of the powers, rights and duties vested in and imposed on him or her by this Act, and he or she may with the like approval cancel such authority:

Provided that nothing herein shall permit any person other than the Minister to be plaintiff or nominal defendant in any action, suit or proceeding authorised by this Act to be instituted by or against the Minister.

39. Powers of Minister

The Minister may by Order—

(*a*)

declare any purpose to be an approved purpose to which section 3 applies;

(*b*)

limit the application of this Act to holdings of a specified maximum or minimum value;

(*c*)

specify the maximum amount which the Committee may lend to any person;

(*d*)

specify the amount of the contribution to be made to the Compensation Fund by a borrower so, however, that such rate shall in no case be less than five per cent of the loan;

(*e*)

amend the forms in the First Schedule in any manner whatever;

(*f*)

amend the list of persons in the Second Schedule by adding thereto, deleting therefrom or making substitutions therein.

First Schedule

Forms

FORM 1

FACILITIES FOR TITLE ACT

Application for Loan

[Section 4(*a*).]

No.

Application for a loan from the Committee by the owner in fee simple in possession of

situate at

in the Parish of

1. Name of applicant

(*Print in block capitals in full*)

2. Address in full

3. Amount of loan applied for

4. Full description of the land proposed to be mortgaged, stating the area and boundaries thereof

5. State the full names and postal addresses (with districts) of all owners and occupiers of land adjacent to the land described in No. 4 above:

	NORTH	POSTAL ADDRESS
Owner(s)		
Occupier(s)		
	EAST	
Owner(s)		
Occupier(s)		
	SOUTH	
Owner(s)		
Occupier(s)		
	WEST	
Owner(s)		
Occupier(s)		

6. Are you the owner in fee simple in possession of the land described by you in No. 4 above (hereinafter called "the said land")?

7. How long have you been in undisturbed possession of the said land?

8. How long was your predecessor in title in possession of the said land as reputed owner in fee simple?

9.

Name of person now in occupation of the said land

10.

Do you know of any claim made, or professed, by any person whomsoever concerning the said land, which is adverse to your claim of—

(*a*)

ownership?

(*b*)

possession?

If so, give particulars

11.

Nature and particulars of your title

12.

Full particulars of the evidence in support of your title

13.

Mortgages or other incumbrances, if any, on the said land

14.

Buildings. Give short particulars

15.

Particulars of any insurance on buildings on the said land

16.

Details of purposes for which the loan is required

17.

Amount already owed to any approved lending agency

Dated, etc., in the Parish of

Signature of Applicant

Note.—The Committee may add to this form any questions eliciting further information required by it.

This application must be verified by a statutory declaration.

FORM 2

FACILITIES FOR TITLE ACT

Certificate of Authorised Persons

[Section 4(*b*).]

Certificate (to be obtained from at least two persons of any one or more of the classes mentioned in the Second Schedule)

I,

, (*here insert name of J.P. or other person*) of (*here insert postal address and occupation, profession or calling*) do hereby certify that within my personal knowledge (*here insert name of applicant for loan*) is the reputed owner of an estate in fee simple in all that parcel of land situate at

in the parish of

(*continue to describe land by area and boundaries on north, south, east and west*)

and that he or she has been in continuous and undisturbed possession of the land above described, by himself or herself, his or her agents or tenants—

(*a*) for a period of at least seven years, that is to say, a period of years; or

(*b*) for a period which when added to the period of continuous and undisturbed possession of the land by his or her predecessors in title (*names*) as reputed owners in fee simple, amounts to at least seven years, that is to say years, and I do hereby further certify that the applicant is now in possession of the said land.

Dated, etc., in the Parish of

Justice of the Peace
(*or other duly qualified person*)

FORM 3

FACILITIES FOR TITLE ACT

Notice of Application for Loan

[Section 5.]

Take notice that

(*here insert name of applicant for loan*)

of

claims to be the owner in fee simple in possession

(*here insert address of applicant*)

of the land described below and has applied on the

to the

(*here insert date on which application received by the Committee*)

for a loan

(*here insert name and address of the Committee*)

on security of a mortgage of the said land and that it is proposed to accept such mortgage in reliance on the provisions of the above-mentioned Act.

And further take notice that a representative of the Committee will attend on the said land at on the

(*here insert date*)

for the purpose of viewing the land,

(*here insert time of day*)

checking the boundaries thereof and noting any objection or information pertaining to the title or boundaries that may be stated by any person.

N.B.—*Objections may also be notified in writing to the Committee or by personal attendance at the office of the Committee.*

Description of Land

Dated, etc.

Signature and designation of officer of the Committee

FORM 4

FACILITIES FOR TITLE ACT

Withdrawal of Objection

[Section 9(2).]

I,

, of

(*address and occupation*)

Now make known that having notified to

(*the Committee or representative of the Committee*)

my objection to the acceptance of a mortgage in reliance on the provisions of the above-mentioned Act from

in respect

(*applicant*)

of the land described below, I do hereby wholly withdraw my said objection.

Description of Land

Signed by the above-named

at the

in the

Objector

Parish of

the

day

of

(*month*)

(*year*)

in the presence of

Justice of the Peace

FORM 5

FACILITIES FOR TITLE ACT

Certificate of Compliance with the Necessary Formalities

[Section 13.]

This is to certify that the necessary formalities have been complied with in respect of a mortgage dated the

(*date*)

made and given by

(*name of mortgagor, address and description*)

in the favour of

affecting

All that parcel of land

(*description of land as in mortgage*)

Dated, etc.,

in the Parish of

Signature and designation of duly authorised officer of the Committee

FORM 6

FACILITIES FOR TITLE ACT

Certificate of Exemption from Duties and Fees

[Section 33(2).]

I hereby certify that this loan was made in accordance with the provisions of the Facilities for Title Act (Chapter 99)

Signature and designation of duly authorised officer of the Committee

FORM 7

FACILITIES FOR TITLE ACT

Memorandum of Mortgage

[Section 34(1).]

Date of mortgage

Name of mortgagor

Name of agency

Consideration
Description of premises
Signature of parties executing
Signature of witness

Second Schedule

FACILITIES FOR TITLE ACT

Classes of Persons Authorised to give Certificates

[Section 4(*b*).]

Justices of the Peace.

Solicitors of the Supreme Court.

Ministers of Religion who are marriage officers.

Headmasters and Headmistresses of Government Schools within the meaning of the Education Act.

Managers, Attorneys and Overseers of estates or properties of not less than 100 acres.

Official Attestors.

Retired Head teachers of Primary Schools.