
CHAPTER 393
QUIETING TITLES, 1959
QUIETING TITLES RULES

G.N. 221/1959
S.I. 73.1973
5 of 1987

(SECTION 29)

[Commencement 24th October, 1959]

1. These Rules may be cited as the Quieting Titles Rules. Short title.

2. In these Rules, “the Act” means the Quieting Titles Act and, except where the context otherwise requires, words or expressions defined in the Act have the same meaning in the Rules. Interpretation.

3. Upon filling an application under section 3 of the Act, the petitioner shall apply *ex parte* to the court — *Ex parte*
applications to
the court.

- (a) for directions as to the evidence (if any) in support of the petition, being of the nature referred to in section 4 of the Act or any part thereof, which may be dispensed with on the application;
- (b) for leave (if the petitioner requires it) for some person other than the petitioner to make the affidavit referred to in section 5 of the Act or part of such affidavit;
- (c) for directions as to the newspaper or newspapers in which a notice of the application is to be filed in accordance with the provisions of section 6(1) or of section 7(1) of the Act;
- (d) for directions as to the persons (if any) to whom notices are to be sent or served in accordance with the provisions of section 7(1) of the Act;
- (e) for directions as to the mode of sending or service of any notices such as are mentioned in subparagraph (d) of this rule;
- (f) for directions as to the time following the publication or sending or service of any notice such as is mentioned above within which adverse claims must be filed;

Contents of
notice.

- (g) for general directions as to the form of any notice such as is mentioned above, but subject to the provisions of rule 4 hereof;
 - (h) for general directions as to the nature and form of the evidence which the court will require on the final hearing of the application.
- 4.** Any notice such as is mentioned above shall —
- (a) give a short description of the land concerned and the situation thereof;
 - (b) give the name and address of the petitioner claiming to have an estate or interest in such land and of his attorney;
 - (c) state that such petitioner is applying to the court to have his title to such land investigated under section 3 of the Act;
 - (d) state the nature and extent of the estate or interest in such land which such petitioner is claiming;
 - (e) require objections (if any) to the granting of the certificate of title requested by the petitioner to be made before the expiration of a stated period being not less than fourteen days from the date of publication or sending or service of the notice;
 - (f) contain such further particulars as the court may in the particular case direct to be inserted.

Adverse
claimants to file
and serve
abstract of title
and plan.
S.I. 73/1975.

5. Whenever a person files an adverse claim under the Act he shall also file and serve on the petitioner or his attorney an abstract of title to the land which he is claiming and a proper plan thereof:

Provided that if the adverse claimant is claiming the entire land claimed by the petitioner it shall be sufficient for him to say so in his abstract of the title without filing such plan.

Transitional
provisions.
S.I. 73/1975.

6. Every person who has filed an adverse claim in proceedings pending at the date hereof shall forthwith file and serve on the petitioner or his attorney an abstract of his title and a proper plan.

Adverse
claimants to file
and serve notice
of address for
service.
S.I. 72/1975.

7. Every person who has filed an adverse claim shall also file and serve on the petitioner or his attorney a notice of his address for service, and the Registrar of the Supreme Court shall not accept an adverse claim unless such notice is also filed.

8. The court may at any stage of the proceedings before the completion of the hearing of an application vary or rescind any such directions as are mentioned above and may make such new or further directions as to any of the matters referred to in Rule 3 as it shall think fit.

Power of court to alter directions.

9. (1) In exercise of its powers under section 14 of the Act the court may refer a petition or any question arising in the course of any proceedings thereon to a referee being any counsel called to The Bahamas Bar who has previously practised thereat for a period of not less than ten years or any member of the English, Scottish or Irish Bars of not less than ten years standing.

The court may refer petition to referee.

(2) The referee appointed as aforesaid shall be paid such fees as the Registrar of the court shall certify to be proper and reasonable.

10. The index to the book referred to in section 18 of the Act shall contain in respect of each certificate of title granted by the court the name of the person obtaining a certificate, the date of the certificate, the number of the action and the district in which the land is situated.

Index to book referred to in section 18.

11. The book and index referred to in rule 7 shall be open to general public inspection at any time during office hours.

Book and index open to public.

12. The fees of court for proceedings under the Act shall be those set out in the Schedule to these Rules:

Fees of court. Schedule.

Provided that in any case where no fee is mentioned in the said Schedule for any particular matter or thing then reference may be made to the Court Fees laid down by the Supreme Court Rules which shall apply accordingly.

5 of 1987, s. 2.

SCHEDULE (Rule 12)**COURT FEES**

	\$c.
Advertisement —	
(a) settling abstract.....	1.50
(b) filing advertisement with abstract	0.36
Adverse statement, filing.....	3.00
Affidavits —	
(a) each filing.....	0.75
(b) each swearing.....	0.75
Amending (any document) except appearance.....	1.50
Appearance (no fee)	
Application <i>ex parte</i>	2.00
Attendance (and officer's expenses in addition) for each day	6.00
Certificate of title (Form 4)	4.20
Certificate of title (Form 5)	4.20
Copy of certificate (any form).....	0.20
Certification of certificate (any form)	0.50
Cost —	
(a) <i>allocatur</i>	0.75
(b) filing.....	0.36
(c) on filing: a deposit of 45c. on each \$40 of the total cost; taxing fee 15c. for every \$12 of the total allowed (minimum 30c.)	
(d) objections to taxation, filing.....	0.36
Depositions —	
(a) filing.....	0.36
(b) Registrar's minute	0.75
Documents (production in court)	0.40
Exhibits (marking each)	0.20
Hearing or trial of application —	
(a) first five hours-undefended cause	3.00
(b) first five hours-any other cause	6.00
(c) for each additional complete hour.....	1.50
Letters of Request, settling and issuing.....	3.00
Minute, Registrar's (in every case)	0.75

Motion, case on or notice of filing case 75c., fee for order \$3	3.75
Notice, filing	6.00
Oath administered to each deponent	6.00
Orders —	
(a) made in chambers, final	1.50
(b) made in chambers, interlocutory	0.75
(c) made in court	3.00
Petition, filing	1.50
Records (production in court)	1.50
Setting application down —	
(a) undefended, including \$3.00 for hearing \$4.20 for certificate	7.20
(b) defended, including \$6.00 for hearing \$4.20 for certificate	10.20
<i>Subpoena</i> (fee on <i>praecipe</i> , for each witness)	0.36