
CHAPTER 187**REGISTRATION OF RECORDS**

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CHAPTER 187
REGISTRATION OF RECORDS
An Act relating to the registration of records.

[Assent 26th March, 1928]
[Commencement 2nd July, 1928]

1. This Act may be cited as the Registration of Records Act.

2. In this Act, unless the context otherwise requires —

“book” or “book of record” means —

- (a) a book in which deeds, documents, or other writings accepted for record are copied; or
- (b) a roll of film upon which deeds, documents or other writings accepted for record are reproduced by means of microphotography;

“deed” means documents of title to land under seal not otherwise specifically mentioned in section 3 of this Act;

“document” means any document other than a deed, or promissory notes and bills of exchange not under seal, and which is not otherwise specifically mentioned in section 3 of this Act;

“Registrar” means the Registrar General and includes the Deputy Registrar General and the Assistant Registrar General;

“Registry” means the Registrar General’s Department.

3. (1) The following deeds, documents and other writings may be recorded upon authentication thereof being first made as provided by this Act —

Class A. Deeds.

Class B. Documents.

Class C. Freehold and leasehold grants from the Crown, certificates of naturalisation, letters patent, poor settlers licences and any document under the Public Seal or the Seal-at-Arms.

4 of 1928
2 of 1936
31 of 1936
29 of 1946
37 of 1954
27 of 1956
40 of 1958
67 of 1963
43 of 1964
77 of 1965
23 of 1968
26 of 1970
E.L.A.O., 1974
8 of 1975
9 of 1984
32 of 1989
4 of 1991
13 of 2003

Short title.
Interpretation.
27 of 1956, s. 2.

26 of 1970, s. 2.
4 of 1991, s. 3.

Classification of deeds, documents and other writings.

2 of 1936, s. 4.

Class D. Wills or other testamentary papers on which probate may be granted together with the probate.

Ch. 108.

Class E. Wills, which by reason of the law existing prior to the coming into operation of the Real Estate Devolution Act, cannot be admitted to probate.

Class F. All writings under the Royal Sign Manual and renunciations of dower.

31 of 1936, s. 2.

(2) Whenever any deed, document or other writing has a plan or diagram attached thereto or incorporated therein a true copy of such plan or diagram shall be provided by the person submitting such deed, document or other writing for record.

Authentication
of different
classes.

4. Deeds, documents and other writings submitted for record shall be authenticated in the manner following —

Class A. and Class B. — By the oath of one of the subscribing witnesses to, or by the acknowledgement of the person executing the same, or if they are absent from The Bahamas or dead or not easily accessible or they have declined to attend to prove the execution thereof, and there shall be nothing on the face of the deed or document or otherwise to raise a reasonable suspicion of its not being genuine or that its execution was otherwise than *bona fide*, by the oath of any person as to the handwriting of any of the signatures thereto:

29 of 1946, s. 2.

Provided that in New Providence or the Out Islands in the case of documents in Class B executed or signed in the presence of a person empowered by this Act to administer oaths or take acknowledgements and attested by such person no further proof shall be required;

2 of 1936, s. 4.;
E.L.A.O., 1974.

Class C. — By the Public Seal;

Class D. — By the signature of a judge of the Supreme Court and the seal of the Supreme Court affixed to the probate;

Class E. — By the oath of one of the subscribing witnesses to such will or if they are absent from The Bahamas or dead or not easily accessible or they have declined to attend to attest the execution thereof, and there shall be nothing on

the face of the will or otherwise to raise a reasonable suspicion of its not being genuine or that its execution was otherwise than *bona fide*, by the oath of any person as to the handwriting of any of the signatures thereto;

Class F. — By the Royal Sign Manual, or the certificate or verification under the ‘seal of any of the courts of The Bahamas or of any other country of the Commonwealth or by the signature of any commissioner appointed by a judge to take a renunciation of dower:

Provided that where any Act or rule authorises the registration of any deed, document or other writing the same may be accepted for record without further proof than that required by the Act or rule authorising the registration of the same.

Provided further that any deed, document, or other writing executed in a territory which is a party to the Convention, signed the 5th day of October, 1961, for the Abolition of the Legalisation of Foreign Public Documents, which is a public document within the meaning of that Convention and bears the certificate prescribed by Article 4 of the said Convention, shall be accepted for record without further authentication.

77 of 1965, s. 2.

5. (1) The Registrar shall not receive for record or enter in any of the books of record in the Registry any deed executed on or after the first day of January nineteen hundred and ten which he is by any Act required to enter or record unless such deed bears in the margin of the first sheet thereof the signature, address and occupation of the person drawing or preparing it.

Deeds to have name of drawer in margin.

(2) This section shall not apply to any deed in connection with or relating to the Crown or any department of the public service of The Bahamas or, after the coming into operation of this Act, to deeds drawn or prepared out of The Bahamas.

6. All oaths and acknowledgements required to be made by this Act shall be in writing endorsed on the deed, document or other writing to which they relate, or securely attached thereto.

Proof of authentication to be endorsed on documents.
23 of 1968, s. 2.

7. The following persons are empowered to administer oaths or take acknowledgements for the purpose of this Act —

Persons empowered to administer oaths and take acknowledgements.

23 of 1968, s. 3.

Ch. 186.

8 of 1975, s. 2.

- (a) In New Providence —
the Registrar, such clerk in the Registry as is designated for the purposes of this Act pursuant to section 10 of the Registrar General Act, justices of the peace and notaries public;
- (b) In the Out Islands —
commissioners, justices of the peace and notaries public;
- (c) Places without The Bahamas —
diplomatic agents of The Bahamas, consular officers of The Bahamas, British consuls, judges, justices of the peace, notaries public or other persons legally authorised to administer oaths or take acknowledgements:

Provided that when such oath or acknowledgement is taken or made in a foreign country (except in the case of a diplomatic agent or consular officer of The Bahamas or British consul) the official character of the officer before whom the same was taken or made or the official standing of the person who attests or certifies the official character of such officer shall be verified by a diplomatic agent or consular officer of The Bahamas or a British consul.

Particulars to be endorsed on document accepted for registration.

8. (1) The Registrar shall cause to be endorsed on every deed, document or other writing accepted for record the name of the person lodging the same and the date on which the same was lodged, and all deeds, documents or other writings so lodged shall be numbered and recorded in the order in which they are received.

(2) When a deed, document or other writing is recorded the Registrar shall cause to be endorsed a certificate showing the book in which the same is recorded and the pages containing such record, and that such deed, document or other writing has been authenticated in conformity with the provisions of this Act, which certificate shall be dated, signed by the Registrar and bear his seal of office.

Documents recorded, records and certified copies admissible in evidence.

9. All deeds, documents and other writings which have a certificate thereon in accordance with the provisions of any Act; the records thereof; and all copies of such records certified by the Registrar to be true copies, shall be admitted as evidence in any court of law or equity in The Bahamas without any further proof.

Provided that in the case of wills referred to in Class E in section 3 of this Act the certificate on any such document shall specify the fact that the same has not been admitted to probate.

10. If any person after having made and executed any conveyance, assignment, grant, lease, bargain, sale or mortgage of any lands or of any goods or other effects within The Bahamas, or of any estate, right or interest therein, shall afterwards make and execute any other conveyance, assignment, grant, release, bargain, sale or mortgage of the same, or any part thereof, or any estate, right or interest therein; such of the said conveyances, assignments, grants, releases, bargains, sales or mortgages, as shall be first lodged and accepted for record in the Registry shall have priority or preference; and the estate, right, title or interest of the vendee, grantee or mortgagee claiming under such conveyance, assignment, grant, release, bargain, sale or mortgage, so first lodged and accepted for record shall be deemed and taken to be good and valid and shall in no wise be defeated or affected by reason of priority in time of execution of any other such documents:

Documents to have priority in date of lodging for record not date of execution.

Provided that this section shall not apply to any disposition of property made with intent to defraud.

11. (1) The person executing and every witness to any deed, document or other writing which may be recorded under this Act shall, upon reasonable request in writing personally served upon him by or on behalf of any persons requiring any such deed, document or other writing to be recorded, forthwith attend such person (being a person authorised under this Act to take oaths and acknowledgements) as shall be named in the request and prove the execution of such deed, document or other writing in the manner provided by this Act.

Persons executing documents and subscribing witnesses thereto to attend for authentication thereof.

(2) Any person who shall neglect or refuse, within forty-eight hours after the request made in accordance with this section unless prevented by sickness, disability or other sufficient cause, to attend and prove any deed, document or other writing shall be liable on summary conviction to a penalty of two hundred dollars; and shall also be liable to an action by the person aggrieved for any damage sustained in consequence of such neglect or refusal:

5 of 1987, s. 2.

Provided that the provisions of this section shall not apply where the person required to prove a deed,

document or other writing is resident more than ten miles from the person he is requested to attend for the purpose of effecting such proof:

Provided also that any out of pocket expenses incurred by reason of any such attendance shall be borne by the person making the request.

Certain documents to be recorded.

12. All Acts, the memorandum and articles of association of companies, registers of births and deaths, marriage duplicate registers and other writings shall be returned to and kept on record in the Registry in accordance with the provisions of any Act for the time before in force relating thereto.

Methods of keeping records in Registry.
27 of 1956, s. 3.

13. The Registrar, in addition to keeping the records of the Registry in books, may record all or any of the deeds, documents or other writings specified in section 3 of this Act by having the same microphotographed; the microphotographs shall be kept on record and shall form as much a part of the records as the books in which the present records are kept and whenever feasible may replace any books or set of books now containing the records of the Registry.

Procuring and lettering of books and procuring of films for records.
27 of 1956, s. 4.

14. The Registrar shall from time to time procure all the necessary books to be of the same uniform size, binding and lettering, and all the necessary film, which shall be used as books of record under this Act, the cost of which shall be defrayed out of the Consolidated Fund by warrant in the usual manner.

Receipts for documents lodged for record.

15. Whenever any person shall lodge any deed, document or other writing for record, the Registrar shall, if required by the party lodging the same, give a receipt therefor, in which the names of the parties to such deed, document or other writing shall be inserted, as also the date and nature thereof.

Seal.

16. The Registrar shall, as heretofore, have an official embossing seal with the words “Registrar General, Bahamas” upon the same.

Saving.

17. Any act performed or anything done or purporting to have been done in respect of the registration of any deed, document or other writing previous to the coming into operation of this Act shall be deemed to be and to have been validly and properly done.

18. All books heretofore in use for the purpose of registration under the authority of any Act and all indexes prepared in connection therewith shall remain as of record and continue to be used under the provisions of this Act, unless replaced by microphotographs as provided under section 13 of this Act:

Use of existing records.
27 of 1956, s. 5.

Provided that such books which may have been replaced shall be preserved for the archives of The Bahamas.

19. No fee shall be chargeable in respect of the registration or issue of any deed, document or other writing in connection with or relating to any department of the public service but in respect of all other deeds, documents or other writings the fees set forth in the Schedule to this Act shall be payable at the Registry before the deed, document or other writing in respect of which the same are receivable shall be accepted or issued.

Fees.
67 of 1963, s. 2.

Schedule.

SCHEDULE (Section 19)

13 of 2003.

FEES

		Fees
1.	For recording any deed, document or other writing: for every page or part of a page	\$ 4.50
2.	For photostatic copies of deeds, documents and other writings or plans on records, including certification if required:	
	– for every page or part of a page up to and including the tenth page.....	\$ 4.00
	– for every page or part of a page after the tenth page	\$ 2.50
3.	For every company certificate of Change of Name	\$30.00
4.	For every company certificate of good standing	\$25.00
5.	For every Registrar’s Certificate under his Seal of Office, except as above:	
	– subject to the minimum fee below prescribed for every page so certified.....	\$ 4.00

- with a minimum fee of \$10.00
- 6. For every search in the Birth, Death and Marriage Registry (except when made by or at the instance of a public officer in a matter connected with the public service):
 - Birth and Death..... \$ 5.00
 - Marriage \$25.00
- 7. For every search in the Deeds and Documents Registry (except as above and when made by or at the instance of a public officer in a matter connected with the public service)..... \$10.00
- 8. For recording a Satisfaction of Mortgage \$20.00