
LAWS OF THE GAMBIA

LAND (REGISTRATION OF DEEDS) ACT

CHAPTER 57:01

**Act No.
5 of 1880**

Amended by

Act No. 6 of 1883
Act No. 11 of 1902
Act No. 1 of 1915
Act No. 8 of 1916
Act No. 3 of 1921
Act No. 16 of 1956
Act No. 24 of 1957
Act No. 25 of 1972

CHAPTER 57:01**LAND (REGISTRATION OF DEEDS) ACT**

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CHAPTER 57:01

LAND (REGISTRATION OF DEEDS) ACT

An Act to make provision for the public registering of deeds, conveyances, wills, contracts, and other instruments which shall be made of or that may affect any lands, tenements, and hereditaments within The Gambia, and for connected matters.

[Act No. 5 of 1880 amended by Act No. 6 of 1883, Act No. 11 of 1902, Act No. 1 of 1915, Act No. 8 of 1916, Act No. 3 of 1921, Act No. 16 of 1956, Act No. 24 of 1957, Act No. 25 of 1972.]

[Date of commencement: 14th July, 1980.]

1. Short title

This Act may be cited as the Land (Registration of Deeds) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**instrument**” extends to any State grant, deed, contract, or power of attorney;

“**land**” extends to any estate or interest whatever in real property;

“**person**” or “**party**” includes a company;

“**will**” extends to a codicil.

3. Registry to be established at Banjul

There shall be an office at Banjul for the registration of all instruments and wills affecting land, which shall be called the Registry Office.

4. Appointment of Registrar

The Public Service Commission may appoint a Registrar for the purposes of this Act.

[Act No. 6 of 1883, Act No. 16 of 1956.]

5. Record books to be kept

(1) The Registrar shall keep a set of books to be numbered consecutively which shall be called “Record Books” and shall as soon as practicable, cause each instrument and will in the order presented for registration,* together with

* No instrument which is liable to stamp duty under the Stamp Act shall be registered under this Act until the same has been stamped in the manner required by the Stamp Act, and any person knowingly registering any such instrument which has not been duly stamped shall incur a fine not exceeding one hundred dalasis. (Cap. 82:01, section 29).

the Certificate of Registration placed thereon as provided in section 6 of this Act, to be copied at full length in one of the record books and shall cause every instrument and will as entered in each Book to be numbered consecutively from one upwards.

(2) A Record Book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument and the name of the testator of every will recorded in the volume, with a reference to the page of the volume where the instrument or will is recorded to which the name refers.

6. Certificate of registration

The Registrar shall mark every instrument and will so registered by him or her by placing on it a certificate in the Form A or the Form C, as the case may be, as set out in the First Schedule to this Act, under his or her hand, and the date of the certificate shall be taken to be the date at which such instrument or will was registered.

[Forms A and C, First Schedule.]

7. Priority of deeds according to date of registration

An instrument executed after the date when this Act comes into operation so far as regards any land to be affected thereby shall take effect as against other instruments affecting the same land from the date of its registration:

Provided that, every such instrument shall take effect from the date of its execution if registered within any of the periods limited for registration as follows, that is to say—

- (a) if the instrument is executed in Banjul, if registered within seven days from its date of execution;
- (b) if elsewhere in The Gambia, if registered within sixty days of its date of execution;
- (c) if executed elsewhere than in The Gambia, if registered within twelve months from its date of execution.

[Act No. 8 of 1916.]

8. Wills to take effect from the date of registration

A will executed after the date when this Act comes into operation so far as regards any land to be affected thereby shall take effect as against other instruments affecting the same property from the date of its registration:

Provided that a will shall take effect from the death of the testator if registered within any of the periods limited for registration as follows, that is to say—

- (a) of any person dying in The Gambia, if registered within sixty days after the death of the testator;

- (b) of any person dying elsewhere than in The Gambia, if registered within twelve months after the death of the testator.

[Act No. 8 of 1916.]

9. Instruments executed prior to Act

(1) An instrument which has been executed before the date when this Act comes into operation shall take effect as against other instruments affecting the same property from the date of its registration:

Provided that the instrument shall take effect from the date thereof if registered within six months from the passing of this Act.

(2) A will executed before such date shall take effect as against other instruments affecting the same property from the date of its registration:

Provided that the will shall take effect from the death of the testator if registered within the six months, and no proof or acknowledgement shall be required to register the instrument or will.

(3) The operation of any instrument or will registered under the Ordinance of the 28th March, 1844, or the Ordinance No. 5 of 1879, passed on the 15th of September, 1879, shall not be affected by this Act.

10. Mode of acknowledgement

(1) An instrument or a will executed after the date when this Act comes into operation, shall before being registered, be acknowledged by the vendor, donor, mortgagor, lessor, or other person conveying, transferring, mortgaging, charging or demising the land, or by some person authorised by him or her to acknowledge it, or proved upon oath by one or more of the subscribing witnesses to have been duly executed, which oath the Registrar is hereby empowered to administer, such proof or acknowledgement being made as follows—

- (a) if the instrument or will be executed in Banjul, before the Registrar, if elsewhere in The Gambia, before a Justice of the Peace;
- (b) if in any part of the Commonwealth or in the Republic of Ireland, before the Registrar-General or before any Judge of any Court of law, or Mayor or Chief Magistrate of any city, or before the Judge of any County Court, or before any Police Magistrate, or before the person having the chief command of any colony, or place, or before a Notary Public when his or her signature is duly authenticated by any of such persons;
- (c) if executed in any foreign territory, before the Registrar-General, or any Gambian or British Consul, or other accredited Gambian or British Representative, or the person in chief command of the country, territory, colony, place, city or town corporate, or city or town being in the nature of a corporation, having a public chief officer.

[Act No. 8 of 1916.]

(2) The memorial of a judgement shall express the date and title of the cause, and shall have on the margin or back a plan of the land, and shall describe the land to which the judgement relates, and if possible shall refer to the allotment of the land as numbered or described in the instrument of conveyance from the State.

(3) The memorial shall be verified by the oath of some competent person, that it contains a true and just account of the several particulars set forth therein, and the oath shall be made and taken before the Registrar, who is hereby authorised and empowered to administer it, and the Registrar shall place on the back of the memorial a certificate of registry, stating the date and time when received, and the name and abode of the person verifying it.

13. Instruments registered under repealed Ordinances

An instrument registered under the provisions of the Ordinance of the 28th March, 1844, or the Ordinance No. 5 of 1879, passed on the 15th of September, 1879, or copy thereof, shall be evidence in like manner and to the same extent as instruments registered under this Act, and the registers shall be removed into and be kept in the Registry office established under this Act.

14. No erasure in any register

An erasure shall not be made in any register or certified copy or extract thereof, and if any error occurs, then a line of red ink shall be drawn through any word improperly inserted, so as to leave the original word legible, and any word which may have been omitted shall either be interlined or written in the margin with red ink, and the Registrar shall subscribe his or her name in the margin opposite to each correction.

[Act No. 1 of 1915.]

15. Destroying or falsifying register books

A person who—

- (a) wilfully destroys or injures, or causes to be destroyed or injured any Record Book or any part thereof, or certified copy or any part thereof;
- (b) falsely makes or counterfeits, or causes to be falsely made or counterfeited, any part of any such Record Book or certified copy thereof;
- (c) wilfully inserts or causes to be inserted in any such Record Book or certified copy thereof any false entry of any instrument or land;
- (d) certifies any writing to be a copy or extract of any such record book or certificate, knowing it to be false in any part thereof; or
- (e) forges and counterfeits the seal of the Registry Office,

commits a felony, and is liable to imprisonment, with or without hard labour, for any term not exceeding seven years.

16. Chief Justice to inspect register

At such period or periods in each year as the Minister may direct, all books, instruments and wills in the office of the Registrar shall be inspected by the Chief Justice of The Gambia, who shall attest by his or her signature the inspection and state the result thereof.

17. Registers in Registry Office deemed in legal custody; to be produced on subpoena

All registers in the Registry Office shall be deemed to be in legal custody, and shall be receivable in evidence in all courts in The Gambia, and the Registrar shall produce or cause to be produced any register or record of subpoena or order of any court or tribunal, and on payment of a reasonable sum to be taxed as the court shall direct and to be paid to the Registrar on account of the loss of time of the officer by whom the register or record shall be produced.

18. Copies or extracts of registers to be evidence

(1) The Registrar shall at all reasonable times allow searches to be made in any register book or record in his or her custody and on request and payment of the prescribed fees he or she shall give a copy or extract of any entry therein, and shall certify as correct all copies or extracts which may be granted by him or her from the registers or records.

(2) Each copy or extract, or Certificate of Registration purporting to be signed by the Registrar, or the proper person to sign it, shall be received in evidence without any further or other proof thereof, unless it is proved that it is a forgery, in all civil cases, instead of the production of the original register or record, subject to the provisions of section 19 of this Act.

19. Certified extracts may be used on notice given

(1) In case any party intends to use in evidence at a trial which is not a criminal case any copy or extract, certified as provided by section 18 of this Act from any register or record, he or she shall give notice in writing to the opposite party, his or her attorney or agent, of his or her intention to use the certified extract in evidence at the trial or hearing, and at the same time shall deliver to him or her, his or her attorney or agent, a copy of the extract and of the certificate thereon.

(2) On proof by affidavit of the service, or on admission of the receipt of such notice and copy, such certified copy or extract shall be received in evidence at such trial, if the Judge is of opinion that the service has been made in sufficient time before such trial to have enabled the opposite party to inspect the original register or record from which such certified copy or extract has been taken.

20. Registrar's attendance at office

The Minister may, by Order to be published in the *Gazette*, from time to time fix the days and hours during which the Registry shall be open, and may regulate the attendance to be given at the Registry by the Registrar and by clerks or other subordinate officers for the due transaction of the business of the office.

[Act No. 11 of 1902, Act No. 8 of 1916.]

21. Fees to be received by Registrar

The Registrar shall demand and receive the fees set out in the Second Schedule to this Act, and such fees shall be monthly accounted for and paid by him or her to the Director of Treasury Directorate to be carried to the credit of the public revenue of The Gambia.

[Act No. 6 of 1883, Second Schedule.]

22. Fees receivable at option of Registrar

The Registrar may demand and receive the fees set out in the Third Schedule to this Act, and such fees, if any, shall be monthly accounted for and paid by him or her to the Director of Treasury Directorate to be carried to the credit of the public revenue of The Gambia.

[Act No. 3 of 1921, Third Schedule.]

FIRST SCHEDULE
*Forms***FORM A**

[Section 6.]

Certificate of Registration on Acknowledgement or Proof Before Registrar

This instrument was acknowledged by (*A.B.*) within named, or by (*C.D.* duly authorised by *A.B.*) to be the deed of *A.B.* (or proved by the testimony of *E.F.* to be the deed of *A.B.*) before me this day of in the year 20, at o'clock in the (fore or after) noon.

(Signed) *G.H.*

Registrar

FIRST SCHEDULE—continued

FORM B

[Section 10.]

Certificate of Proof or Acknowledgement Elsewhere than at Banjul

This Instrument was acknowledged by (by *A. B.* within named) (or proved by the testimony of *C. D.* within named) to be the deed of *A. B.* before me this day of, 20....., at (state where proved or acknowledged) at o'clock in the in 20

GIVEN under my hand and official seal.

(Signed) *A. B.*

or

GIVEN under my hand and private seal, I having no official seal.

(Signed) *A. B.*

or

GIVEN under my hand, I having no official or private seal.

(Signed) *A. B.*

FORM C

[Sections 6 and 10.]

Certificate of Registration of an Instrument Proved or Acknowledged before a Person other than the Registrar, or Registered under Section 10 (3)

This Instrument was delivered to me for Registration by *A. B.* of (state his or her residence and profession) at o'clock in the (fore or after) noon this day of in 20

(Signed) *A. B.*

Registrar

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SECOND SCHEDULE

[Section 21, Act No. 24 of 1957, Act No. 25 of 1972.]

Fees to be Received by Registrar*

	<i>D. b</i>
For every acknowledgement or proof of an instrument	2.50
Registration and recording of any instrument other than a memorial executed before the Registrar, for every folio of seventy-two words	1.25
Verifying every memorial and recording the same	5.00
Depositing every will or other instrument	2.50
Taking out the same	2.50
Every search in the records, for half an hour or under	2.50
Every additional half-hour or under	2.50
An attested copy of or extract from any recorded instrument or memorial, for every folio of seventy-two words	1.75
Comparing, if required, any instrument with the register thereof, for every seventy-two words	0.75
Every other certificate or extract	2.50

* No fees are payable for registration of an instrument executed by or on behalf of a Co-operative Society (LN 15 of 1960).

THIRD SCHEDULE

[Section 22, Act No. 24 of 1957, Act No. 25 of 1972.]

Fees Receivable at Option of Registrar

For every late registration of any instrument (if same is accepted by the Registrar)—	<i>D. b</i>
Where the delay in registration does not exceed one month	15.00
For every succeeding month or part thereof	7.50

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SUBSIDIARY LEGISLATION

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APPOINTMENT OF REGISTRAR

[LN 3 of 1957.]

[Made under section 4.]

The Registrar-General has been appointed Registrar for the purposes of this Act with effect from the thirty-first day of December, 1956.
