

I ASSENT.

[L.S.]

ALLEN LEWIS,
Governor-General.

8th August, 1984.

SAINT LUCIA

No. 11 of 1984

AN ACT to provide for the adjudication of rights and interests in land and for purposes connected therewith and incidental thereto.

[8th August, 1984.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Parliament of Saint Lucia, and by the authority of the same, as follows :—

PART I

PRELIMINARY AND APPLICATION

1. This Act may be cited as the Land Adjudication Short Title Act, 1984.

Interpretation 2. In this Act, except where the context otherwise requires —

- “adjudication area” means an area to which the Act has been applied under section 3 ;
- “Adjudication Officer” means an Adjudication Officer appointed under section 4 ;
- “adjudication record” means the adjudication record prepared in accordance with the provisions of section 18 in respect of an adjudication section ;
- “adjudication section” means an adjudication section declared under section 5 ;
- “Court” means the East Caribbean Supreme Court ;
- “Demarcation Officer” means a Demarcation Officer appointed under section 4 ;
- “demarcation map” means a demarcation index map prepared under section 13 in respect of an adjudication section ;
- “guardian” means any person responsible for protecting the interest of any person who is under a disability, whether by reason of age, unsoundness of mind or any other cause;
- “interest in land” includes any right or other interest in or over land which is capable of being recorded under the provisions of the Act ;
- “land” includes land covered with water, all things growing on land, buildings and other things permanently affixed to land ;
- “legal practitioner” means a person who has been admitted to practise under the Legal Practitioners Ordinance and who is ordinarily resident in Saint Lucia and who is for the time being entitled to practise at the bar ;
- “Minister” means the Minister having responsibility for Agriculture ;
- “parcel” means a piece of land separately shown on the demarcation map and given a number;
- “Recording Officer” means a Recording Officer appointed under section 4 ;

“Registrar” means the Registrar of Lands appointed under the Land Registration Act, 1984 ;

“Survey Officer” means a Survey Officer appointed under section 4 ;

3.—(1) The Minister may by order declare that he intends to effect the adjudication and registration of rights and interests in land within such area as is defined in the order. Application

(2) The Minister may by order amend or revoke any order made under this section.

(3) Every order made under this section shall be published in the *Gazette*.

PART II

OFFICERS

4.—(1) On or after publication of an order made under section 3, the Minister shall appoint an Adjudication Officer for the adjudication area, and the Adjudication Officer may appoint such Demarcation Officers, Recording Officers and Survey Officers as may be necessary for performing the duties and exercising the powers imposed and conferred upon them by this Act. Appointment and general powers of officers and Land Adjudication Tribunal

(2) The Adjudication Officer shall be in charge of the adjudication and may issue such general or special directions as he thinks necessary to the officers appointed by him under subsection (1), and may himself perform and exercise all or any of the duties and powers given under this Act to the officers appointed by him.

(3) The Adjudication Officer shall be competent to administer oaths and take affidavits on any enquiry made by him and to issue summonses, notices or orders requiring the attendance of such persons or production of such documents as he may consider necessary for carrying out the adjudication.

(4) The Demarcation Officer or Survey Officer may at any reasonable time enter upon any land within the adjudication area for the purpose of demarcating

or surveying any parcel therein and may summon any person who can give information regarding the boundaries of any such parcel to point out the boundaries.

(5) For the purpose of section 20 the Minister shall appoint a Land Adjudication Tribunal which shall consist of :—

- (a) a Chairman who is a legal practitioner of not less than ten years standing ;
- (b) one member who is a surveyor licensed under the Land Surveyors Act, 1984 ; and
- (c) one member who is an experienced agriculturist.

PART III

CLAIMS AND DEMARCATION

Adjudication
sections

5. The Adjudication Officer shall divide the adjudication area into two or more adjudication sections or declare the whole area to be a single adjudication section, and shall give each adjudication section a distinctive name.

Notice by
Adjudication
Officer

6.—(1) The Adjudication Officer shall prepare a separate notice in respect of each adjudication section and in each such notice shall —

- (a) specify as nearly as possible the situation and limits of the adjudication section;
- (b) declare that all interests in land will be ascertained and recorded in accordance with the provisions of this Act ;
- (c) require any person who claims any interest in land within the adjudication section to make a claim either in writing or in person or by his agent duly authorised according to law, within the period and at the place and in the manner specified in the notice;
- (d) require all claimants to land within the adjudication section to mark or indicate the boundaries of the land claimed in such manner and before such date as shall be required by the Demarcation Officer.

(2) The Adjudication Officer shall —

- (a) cause such notices and schedule, if any, to be published at the office of the Registrar of Deeds and such other offices within the State as he thinks fit ; and
- (b) cause the substance of such notice and schedule if any, to be made known throughout the adjudication area and elsewhere by publication in the *Gazette* and in at least one local newspaper and in such other manner as he considers to be most effective for the purpose of bringing it to the attention of all persons affected thereby.

7.—(1) Except with the consent in writing of the Adjudication Officer, no action claiming an interest in land or rights to land in an adjudication shall be initiated in any civil court until proceedings under this Act have been completed.

Staying of
land suits

(2) Upon the application of any party interested in the subject matter of an action claiming an interest in land or rights to land in an adjudication section instituted before the publication of the notice mentioned in section 6, the Court may stay the hearing of such action and refer it to the Adjudication Officer.

8.—(1) Every person including the Crown claiming any land or interest in land within an adjudication section shall make his claim in the manner and within the period fixed by the notice given under section 6.

Claims and
attendances

(2) Every person including the Crown whose presence is required by the Adjudication Officer, Demarcation Officer or Recording Officer, as the case may be, shall attend in person or by agent at the time and place specified.

(3) If any such person fails to attend in person or by agent after written notice has been given, the demarcation, recording or other proceeding may continue in his absence.

Safeguarding
of rights of
absent persons
and minors

9.—(1) If the Adjudication Officer, Demarcation Officer or Recording Officer is satisfied that any person who has not made a claim has a claim to any interest in land within the adjudication section the Adjudication Officer, Demarcation Officer or Recording Officer may, in his discretion proceed as if a claim had been made, and may call upon the Registrar of Deeds to supply him with a certified copy of any document of title relevant thereto.

(2) If the Adjudication Officer, Demarcation Officer or Recording Officer has reason to believe that a minor has a claim to any interest in land and such minor has no tutor, father, mother or guardian able and willing to represent him, the Adjudication Officer, Demarcation Officer or Recording Officer, as the case may be, shall appoint a person to represent such minor and shall proceed as if a claim had been made.

Notice of
demarcation
and recording

10.—(1) Not less than seven clear days before the demarcation of land in an adjudication section is begun, the Demarcation Officer shall give notice of the intended demarcation in that section, and of the time and place at which it will begin, in such manner as the Adjudication Officer shall deem to be most likely to bring the matter to the knowledge of the persons to be affected by that demarcation.

(2) Such notice shall require every claimant to indicate the boundaries of the land affected by his claim in the manner specified in the notice.

Indication of
land claimed

11. Subject to any general or particular directions issued by the Adjudication Officer, the Demarcation Officer shall within each adjudication section —

- (a) see that the boundaries of each parcel of land, which is the subject of a claim, are indicated or demarcated in accordance with the requirements of the notice given under section 10 ;
- (b) indicate or cause to be indicated the boundaries of

- (i) public roads, public rights of way and other Crown Land and
- (ii) unclaimed land.

12.—(1) The Demarcation Officer may —

Special powers

- (a) divide the adjudication section into blocks which shall be given distinctive numbers or letters or combinations of numbers and letters ;
- (b) with the consent of the owners concerned, adjust the boundaries of any land in the adjudication section or re-allot the same to ensure the more beneficial occupation thereof or to effect a more suitable subdivision thereof ;
- (c) make any reservations he considers necessary for the purposes of defining existing roads and paths or for the better drainage of any land ;
- (d) make a declaration of such existing rights of way over any land in the adjudication section and may direct the manner in which such rights of way are to be exercised and in such case he shall direct that such rights of way be recorded in the adjudication record in respect of the dominant land and the servient land ;
- (e) award such compensation as may to him appear just to any person who has suffered loss of land as the result of any adjudication of boundaries or the partition or re-allotment to any land or the declaration of any rights of way and may make an order directing by whom such compensation shall be paid :
 Provided that any award may be the subject of a petition under section 20 ;
- (f) determine the proportion in which the expenses of any partition shall be borne by the persons interested therein and make an order accordingly ;
- (g) make an order as to costs not exceeding one hundred dollars.

(2) Any order for the payment of compensation, expenses or costs made against the owner of any land shall create a debt to be charged on such land which shall have priority over all other debts except rates and taxes relating to the land and due to the Government.

Duties of the
Survey Officer

13. Subject to any general or particular directions issued by the Adjudication Officer, the duties of the Survey Officer shall be —

- (a) to carry out such survey work as may be required in the execution of the adjudication process ;
- (b) to prepare or cause to be prepared a demarcation index map of the adjudication section which shall be compiled from survey data or aerial photographs showing each parcel of land identified by a distinguishing number, except that public roads shall not be required to be identified by a number.

Duties of
Recording
Officer

14. The Recording Officer shall consider all claims to any interest in land and after such investigation as he considers necessary shall prepare in accordance with the provisions of section 18 a record in respect of every parcel of land shown on the demarcation map.

Disputes

15.—(1) If in any case —

- (a) there is a dispute as to any boundary whether indicated to the Demarcation Officer or demarcated or readjusted by him, which the Demarcation Officer is unable to resolve; or
- (b) there are two or more claimants to any interest in land and the Recording Officer is unable to effect agreement between them, the Demarcation Officer or the Recording Officer as the case may be shall refer the matter to the Adjudication Officer.

(2) The Adjudication Officer shall adjudicate upon and determine any dispute referred to him under subsection (1), having due regard to any law which

may be applicable, and shall make and sign a record of the proceedings.

PART IV

PRINCIPLES OF ADJUDICATION AND PREPARATION OF ADJUDICATION RECORD

16.—(1) In preparing the adjudication record —

Principles of
adjudication
etc.

(a) if the Recording Officer is satisfied that a person —

(i) is in public, continuous, uninterrupted, unequivocal peaceable possession as proprietor of a parcel of land other than a parcel which is Crown Land and has been in such possession, by himself or his predecessors in title, for an uninterrupted period of thirty years or more ; or

(ii) has a good title to the parcel and that no other person has acquired or is in course of acquiring a title thereto under any law relating to prescription or limitation, and that he would succeed in maintaining the title against any other person claiming the land or any part thereof,

the Recording Officer shall record that person as the owner of the parcel and declare his title to be absolute ;

(b) if the Recording Officer is satisfied that any land is entirely free from private rights, or that the rights existing in or over it do not amount to full ownership and are not such as to enable him to proceed under paragraph (d) of this subsection, he shall record the land as Crown Land ;

(c) if the Recording Officer is satisfied that any land is subject to any right which is registrable as a lease, hypothec or servitude under the Land Registration Act 1984, he shall record such particulars as shall enable the right and the name of the person entitled to the benefit thereof to be registered ;

- (d) if the Recording Officer is satisfied that a person is in possession of or has a right to a parcel but is not satisfied that such person is entitled to be recorded under paragraph (a) of this subsection as the owner of the parcel with absolute title, the Recording Officer may nevertheless record that person as the owner of the parcel and declare his title to be provisional and shall record —
- (i) the date on which the possession of that person shall be considered to have begun;
 - (ii) particulars of any deed, instrument or other document by virtue of which any right or interest adverse to or in derogation of the title of that person might exist; or
 - (iii) any other qualification which affects the title.

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- (2) For the purpose of this section —
- (a) a person is deemed to be in possession of land if he is in possession thereof within the meaning and interest of articles 2056 and 2064 of the Civil Code;
 - (b) “good title” means a title as defined in article 1 (61) of the Civil Code.
- (3) The Recording Officer shall follow the rules laid down in section 17.

Rules to be followed in adjudication

17.—(1) All unoccupied land shall be deemed to be Crown Land until the contrary is proved.

(2) The exercise by any person of any rights in or over one or more pieces of land shall not be taken as a presumption in his favour of any rights in or over any greater extent of land than that in or over which such rights are exercised.

(3) Possession or receipt of rents and profits by any person through whom a claimant derives his title shall be deemed to have been the possession or receipt of rents and profits of the claimant.

(4) Where from the relationship of the parties or from other special causes it appears that the person in possession of land is or was in possession on behalf of another, his possession shall be deemed to be or to have been the possession of that other.

(5) Where two or more persons have rights which will entitle them to be registered as proprietors in common under the Land Registration Act 1983, the Recording Officer shall record such persons as proprietors in common and the share of each such co-owner.

(6) Where the persons claiming are entitled as proprietors in common to the unadministered estate of an ascendant who was solely entitled to the land, the Recording Officer shall record that the heirs of that ascendant are owners of the land.

(7) Where a majority of the proprietors in common who have made a claim under section 8 agree, the Recording Officer shall record the names of not more than four such persons as trustees for sale, provided that such majority includes all the persons who are actually in possession of some part of the land, and the trustees shall be chosen from among their number by a majority vote of all the claimants.

(8) A receipt shall be given by the Recording Officer for all documents produced by a claimant and retained.

18.—(1) The adjudication record shall consist of a form in respect of each parcel of land, showing — Adjudication
Record

- (a) the number and approximate area of the parcel as shown in the Demarcation Map ;
- (b) either the name and description of the person entitled to be registered as the owner of the parcel with particulars of the manner in which that person acquired that parcel and of any restriction on his power of dealing with it, or the fact that the parcel is Crown Land ;
- (c) such particulars of any right registrable under the Land Registration Act 1984, as shall enable it to be registered as a lease, hypothec

or servitude as the case may be, affecting the parcel together with the name and description of the person entitled to the benefit thereof and particulars of any restriction on his power of dealing with it ;

- (d) if any person shown in the adjudication record is under a disability, whether by reason of age, unsoundness of mind or otherwise, the name of his guardian ;
- (e) a list of the documents, if any, produced to the Recording Officer and retained by him for the purpose of adjudication ;
- (f) the date on which the form is completed.

(2) When completed, the form shall be signed by the Recording Officer and, in the case of privately owned land, shall, where possible, include an acknowledgement signed by the owner of the parcel and by any person recorded under the provisions of subsection (1) (e) as having an interest in such parcel that such owner and every such person accepts the record.

Notice of
completion of
adjudication
record

19. When the adjudication record in respect of any adjudication section has been completed, the Adjudication Officer shall sign and date a certificate to that effect and shall forthwith give notice of the completion thereof and of the place or places at which the same can be inspected together with the demarcation map.

PART V

OBJECTIONS AND FINALITY

Appeals
against the
adjudication
record

20.—(1) The Minister or any person named in or affected by the adjudication record or demarcation map who considers such record or map to be inaccurate or incomplete in any respect or who is aggrieved by any act or decision of the Demarcation Officer or Survey Officer or by any entry in or omission from the adjudication record by the Recording Officer may, within ninety days of the day upon which notice of completion of the adjudication record is published, give written notice of his intention to appeal to the

Adjudication Officer in respect of the act, decision, entry or omission concerned and the appeal shall be heard and determined by the Adjudication Officer.

(2) Where the Adjudication Officer has adjudicated on any matter (except such a matter as is referred to in section 22), the Minister or any other person who is dissatisfied with that decision shall give written notice to the Adjudication Officer of his intention to appeal.

(3) On any such appeal the Land Adjudication Tribunal may make such order or substitute for the decision of the Adjudication Officer, Demarcation Officer, Survey Officer or Recording Officer as the case may be, such decision as it may consider just.

(4) All decisions of the Land Adjudication Tribunal shall be in writing and copies shall be furnished to the Adjudication Officer, the Registrar, the appellant, and to all other parties who, in his opinion, may be affected by the appeal.

21. In hearing a dispute under section 15 and section 20, the Adjudication Officer shall, so far as may be practicable, follow the procedure directed to be observed in the hearing of civil suits, save that in his absolute discretion he may admit evidence which would not be admissible in a court of law and may use evidence adduced in any other claim or contained in any official record and may call evidence on his own motion.

Procedure in
hearing
petitions and
disputes

22. At any time before the adjudication record becomes final, the Adjudication Officer —

Correction of
adjudication
record

- (a) may correct in the record any error or omission not materially affecting the interests of any persons ; and
- (b) after taking such steps as he thinks fit, to bring to the notice of every person whose interest is affected his intention to make any material alteration in the record which he considers necessary, and after giving such person an opportunity to be heard, may make such alteration.

Finalty of
adjudication
record

23. After the expiry of ninety days from the date of publication of the notice of completion of the adjudication record or on determination of all petitions and appeals presented in accordance with section 20, whichever shall be the later, the adjudication record shall, subject to the provisions of the Land Registration Act, 1984, become final and the Adjudication Officer shall sign a certificate to that effect and shall deliver the adjudication record and the demarcation map to the Registrar together with all documents received by him in the process of adjudication.

Appeals

24.—(1) Any person, including the Minister, who is aggrieved by any act or decision of the Land Adjudication Tribunal and desires to question it or any part of it may within two months from the date of the certificate of the Adjudication Officer under section 23 or within such extended time as the Court, in the interests of justice, may allow, appeal to the Court of Appeal in the prescribed form.

(2) On any such appeal, the Court of Appeal may make such order or substitute for the decision of the Land Adjudication Tribunal such decision as it may consider just and may under the provisions of the Land Registration Act, 1984, order rectification of the register.

(3) A decision of the Court of Appeal under subsection (1) shall be in writing and copies of it shall be furnished by the Court to the Registrar, to the appellant and to all other parties who, in his opinion, may be affected by the appeal.

(4) Any person, including the Minister, appealing under subsection (1) shall give notice to the Registrar of his intention to appeal and the Registrar shall enter a restriction under the provisions of the Land Registration Act, 1984, in every register affected by the appeal.

PART VI

MISCELLANEOUS

Fees

25. Every person who is a party to any proceedings before the court shall be required to pay such fees in respect of the proceedings as may be prescribed.

26. Any person who —

Offences

- (a) having been served with a summons issued under the provisions of this Act, wilfully neglects or refuses to attend in pursuance of such summons, or to produce any document which he is required to produce ; or
- (b) wilfully neglects or refuses to answer upon oath or otherwise any question which may lawfully be put to him by any officer ; or
- (c) without reasonable cause, wilfully neglects or refuses to indicate his land or to assist in the demarcation of his land when required to do so by a Demarcation Officer,

shall be guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for three months.

27. No officer referred to in this Act shall be liable to any action or proceedings for or in respect of any act or matter in good faith done or omitted to be done in exercise or supposed exercise of the powers conferred by this Act or any regulations made thereunder.

Indemnity of officers

28. The Minister may make regulations for the purpose of carrying into effect the provisions and purposes of this Act.

Regulations

Passed in the House of Assembly this 8th day of March, 1984.

W. ST. CLAIR-DANIEL,
Speaker.

Passed in the Senate this 13th day of March, 1984.

E. HENRY GIRAUDY,
President.