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Fifth Session Eleventh Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Registrar General Act,
Chap. 19:03, the Registration of Deeds Act,
Chap. 19:06, the Conveyancing and Law of
Property Act, Chap. 56:01, the Real Property Act,
Chap. 56:02, the Stamp Duty Act, Chap. 76:01
and the Registration of Title to Land Act, 2000

MISCELLANEOUS PROVISIONS (REGISTRAR GENERAL,
REGISTRATION OF DEEDS, CONVEYANCING AND LAW
OF PROPERTY, REAL PROPERTY, STAMP DUTY AND
REGISTRATION OF TITLE TO LAND) ACT, 2020

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend the Registrar General Act, Chap. 19:03, the Registration of Deeds Act, Chap. 19:06, the Conveyancing and Law of Property Act, Chap. 56:01, Real Property Act, Chap. 56:02, the Stamp Duty Act, Chap. 76:01 and the Registration of Title to Land Act, 2000 to deal with fraud that occurs with land dealings, to make provisions for transparency in respect of legal arrangements and beneficial ownership and meet our international requirements under Recommendation 25 and Immediate Outcomes 5 of the Financial Action Task Force Recommendations.

The Bill would contain eight clauses.

Clause 1 of the Bill would provide for the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide for the commencement of the Act on such date as is fixed by the President by Proclamation.

Clause 3 of the Bill would amend the Registrar General Act in sections 4, 5, 7 and the Schedule. Paragraph (a) of clause 3 would seek to amend section 4 of the Act to first change the reference to the number of indexes that may be created by the Registrar from 4 indexes to 7 indexes. The three additional indexes under this subsection are indexes for contracts for sale of land, for beneficial owners (which becomes necessary because of amendments to the Companies Act to deal with beneficial ownership) and for registrable documents executed but not registered. Subparagraph (ii) would insert a number of new subsections. The proposed subsection (1A) would empower the Registrar General to keep another index for all instruments of trusts which are registered under the Registration of Deeds Act. This index is a closed index and for the purpose of our obligations under the Financial Action Task Force Recommendations can only be accessed by the Director of the Financial Intelligence Unit of Trinidad and Tobago (the FIU) for the purpose of enabling the FIU to do its analysis under the

Financial Intelligence Unit of Trinidad and Tobago Act. The index will also be open to an officer of the police service of the rank of Superintendent or above, attached to the financial investigations or fraud divisions, solely for the purposes of investigating whether an offence has been committed under any written law, for the purpose of laying any information or the preferring of an indictment. The index is also open to the Chairman of the Board of Inland Revenue and by order of the court.

Subparagraph (iii) of paragraph (a) would amend section 4(2) to include a new paragraph (f), which would set out how indexes of contracts for sale of land, beneficial owners, registrable documents executed but not registered and trusts are to be kept. Subparagraph (iv) would insert after subsection (5) a new subsection (6), which would set out the definitions for “beneficial owner” and “trust”.

Paragraph (b) would amend sections 5 and 6 to recognize that the index of trusts is not open to the public as the other indexes are. Paragraph (c) would amend section 7 to introduce a new subsection to allow the Minister with responsibility for legal affairs to amend the Schedule by Order, subject to negative resolution, so as to allow the scale of fees to be amended while giving the Parliament some degree of scrutiny. Finally, paragraph (d) would amend the Schedule of fees to provide for the new administrative fees due to the new applications that are being proposed under this Bill.

Clause 4 would amend the Registration of Deeds Act, Chap. 19:06 in sections 1, 2, 3, 5A, 7, 13A and to add new sections 5B., 5C., 5D, 15A.–15I. and 22–29. In an effort to better manage the Act, a number of headings are being inserted into the Bill. Since the Interpretation Act, Chap 3:01 recognizes a heading as a part of a Bill we are allowed to insert, delete and amend the headings in this Bill. Accordingly, in paragraph (a), the first heading entitled “Part I Preliminary” is being inserted before section 1. Paragraph (b) would amend section 2 of the Registration of Deeds Act to insert three new definitions for phrases being used in the Act. The definitions included are “authorized clerk”, “interest in land” and “Minister”. The definition of “qualified functionary” is being amended to remove the reference “to a conveyancer”. Subparagraph (iii) would introduce a new subsection (2A) to provide for the definition of “registrable documents” which is to be used in Parts IV and V of the Act.

Paragraph (c) would introduce a new heading for Part II which is to be entitled “Execution and Registration of Deeds”.

Paragraph (d) would renumber section 3 as section 3(1) and insert a new subsection 3(2) which would make it clear that all

registrable documents must be registered in order for them to be valid and effectual both in law and equity for the purpose of creating, transferring or conveying land.

Paragraph *(e)* would correct the reference to the Land Surveyors Act. Paragraph *(f)* would insert after section 5A, a number of new sections. Proposed section 5B would take some of the substantive parts of section 7 and move them here in terms of layout of the Bill and further reconcile procedural aspects under the Conveyancing and Law of Property Act with the processes and method of execution under this Act. The new section would provide for the mode of execution of documents inside and outside of Trinidad and Tobago and where it is executed by a company or corporation. Where it is executed in Trinidad and Tobago, the Deed must be executed in the presence of at least one witness not being a party to the Deed and a qualified functionary and the Deed's signing and delivery are to be attested by one of those witnesses stating his name, abode or business address, profession or occupation or condition in life and by the qualified functionary stating his name and his qualifications. Where the Deed is executed outside of Trinidad and Tobago, the execution must be in the presence of at least one witness not a party to the Deed and the signing is to be attested by one such witness stating his name, abode or business address, profession or occupation or condition in life. Where the Deed is executed by a company or corporation, the Deed is to be executed and attested in the manner required by any written law or the common law. A qualified functionary is defined in the current law to be a Judge of the Supreme Court, A Justice, an Attorney-at-law or the Registrar of the Supreme Court.

The new section would prohibit a qualified functionary from subscribing to any deed unless it bears the signature of the Attorney-at-law as having prepared the Deed. Proposed section 5C would provide for the attestation of Deeds executed outside of Trinidad and Tobago. Proposed section 5D would provide for the execution of documents where the person is unable to sign and for an execution to be done using foreign characters or a mark. However, the Registrar may refuse to register the Deed for which a foreign character or mark is used unless there is a certificate on the Deed of an Attorney-at-law, a Justice or a duly licensed interpreter, that he has explained or caused to be explained the true purpose of the Deed and he is satisfied that the person understands.

Paragraph *(g)* would repeal sections 7 and 8 which are now contained more substantively in sections 5A to 5D and substitute a new section 7 which would provide that where the Deed is properly attested in accordance with sections 5B and 5C it may be registered under the Act.

Paragraph (*h*) would amend section 13A to first amend section 13A to make it a 13A(1) and inserting a new paragraph (f) to allow the Minister to, by Order, prescribe further particulars for the cover sheet. Subsection (2) would, however, ensure that while the relevant information on the cover sheet is entered on to the index that the cover sheet is not open to the public so that the personal information on the cover sheet is not open to the public.

Paragraph (*i*) would insert a new Part III that would deal with Contracts for the Sale or Other Dispositions of Land and would have 3 new sections, a new Part IV that would deal with the Execution and Registration of Registrable Documents which would contain 4 new sections and new Part V which would deal with duty of Attorneys-at-law to inform client of obligations etc and would contain two new sections.

In New Part III, proposed section 15A would now require that every contract for sale or other disposition of land is to be prepared by an Attorney-at-law, be in writing, include all the terms of the contract expressly agreed by the parties for sale or other disposition of land in one document or where contracts are exchanged in each document, to be signed by each party for sale or other disposition of land or his duly authorized agent. It requires that the contract for sale or other disposition of land should also be executed and signed in the presence of at least one witness not a party to the contract, include a preparation certificate signed by an Attorney-at-law who prepared the contract for sale or other disposition of land and contain a record of the date and time of the execution of the contract or a provision setting out the agreed date and time for commencement of the contract. The provision would also apply to all assignments of a contract for sale or other disposition of land and sub-contracts under the contract for sale or other disposition of land.

Proposed section 15B would now require every contract of sale to be registered by an Attorney-at-law or his authorized clerk within 30 days of the execution of the contract and it must be accompanied by a completed coversheet and the relevant fee. Subclause (2) would provide that in instances where contracts are exchanged, one (1) document is required to comply with all of the requirements of 15A(1) and should reflect the contents of the exchanged contracts and be registered within thirty days of execution or effective date. Subclause (3) requires all contracts of sale or other disposition of land to be accompanied by a completed coversheet and the applicable fee in order to be registered. Subclause (4) goes on to set out the contents of the coversheet. Subclause (5) would empower the Registrar General, within forty-eight hours of the submission of a contract for sale or other

disposition of land for registration, to request any other information relative to that submitted on the cover sheet. Under Subclause (6), if the Registrar General requests information the time for registration of the contract for sale or other disposition of land would now be thirty days from the date of the notification by the Registrar General. The provision would go on in subclause (7) to provide that if the contract for sale or other disposition of land is not registered within the 30 days as required, any party to the contract for sale or other disposition of land, the legal personal representative of the party or a duly authorized attorney operating under a power of attorney, could apply to the Registrar General in writing for the late registration of the contract for sale or other disposition of land and giving reasons. Subclause (8) would require the application to be in a particular form and include the reasons for the delay and be accompanied by the prescribed fee. The provision goes on in subclause (9) to provide that the Registrar General can refuse to register the contract for sale or other disposition of land if a subsisting contract for sale or other disposition of land which has been registered has not expired or for which a notice of termination has not been recorded by the Registrar General or where the contract for sale or other disposition of land does not meet the requirements of clause 15A(1). Subclause (10) provides for those instances where two contracts for sale of land exists at the same time and one is already registered. It allows the purchaser who is now seeking to register the second contract for sale or other disposition of land, to apply to the Registrar for the establishment of a priority list based solely on date and time. This application would operate as a caveat on any further dealings with the land until the priority list is established by the Registrar General. Subclause (11) requires the Registrar General where he establishes a priority list to give notice to all the parties so affected. Subclause (12) would empower the Registrar General where a subsisting contract for sale or other disposition of land expires, to register any other contract for sale or other disposition of land. The provision makes it clear in subclause (13) that this section would not apply to the transfer of land by gift or assent, Mortgages, Releases, Rectifications, Confirmations or any other voluntary transfer of land without valuable consideration.

Proposed section 15C provides that where there is a variation or termination of a contract for sale or other disposition of land and all the parties to the contract for sale or other disposition of land agree to the variation or termination, all the parties or their attorneys-at-law would submit a notice of the variation or termination to the Registrar General within 30 days of the variation or termination. Subclause (2) would provide for instances where the parties do not agree to terminate but one party still

wishes to do so. It requires the aggrieved party to submit to the Registrar General within thirty days of such termination a Notification that the contract has been terminated or rescinded and this shall be recorded by the Registrar General. Subclause (3) would provide that subclause (2) is not a bar to any remedies available to the aggrieved party under any written law. Subclause (4) requires the notice to be in a particular form. Under subclause (5), the Registrar General is required to inform all the parties to a contract for sale or other disposition of land within thirty days of receipt of a notice of variation or termination.

In New Part IV, proposed section 15D requires the Attorney-at-law who prepares a registrable document in respect of the sale or other disposition of land to ensure that contents of a registrable document for the sale or other disposition of land, that registrable documents for sale or other disposition of land relate to a contract for sale or other disposition of land which had been registered under section 15B and is consistent with the terms of the contract for sale or other disposition of land, including any variation that was done under section 15C. This section would not apply to the transfer of land by gift or assent, Mortgages, Releases, Rectifications, Confirmations or any other voluntary transfer of land without valuable consideration. The clause goes on to provide that in addition to any penalty that is provided for under section 22, a registrable document made in contravention of this section would be void.

Proposed section 15E would require the Attorney-at-law who prepares a registrable document or his authorized clerk within 14 days of the execution of the contract for sale or other disposition of land to submit to the Registrar General a notice of execution, which shall be in a particular form.

Proposed section 15F requires every registrable document to be registered within 12 months (1 year) of its signing and delivery either by the Attorney-at-law or his authorized clerk. Provision is made for where the Attorney-at-law who submitted or authorized the submission of a notice of execution ceases to be the attorney-at-law for the client, the Attorney-at-law would within seven days of ceasing to be the Attorney-at-law inform the Registrar General in writing of that fact and inform the client of any obligations that remain outstanding in respect of registration of the registrable document. The provision prohibits the Registrar General from accepting a registrable document for registration unless the Attorney-at-law is registered with the Financial Intelligence Unit of Trinidad and Tobago, has not been suspended under the Legal Profession Act, Chap. 93:03 and holds a valid practicing certificate under the Legal Profession Act. The Registrar General may also

refuse to register a registrable document if the registrable document is in respect of the sale of land does not relate to the contract for sale or other disposition of the land. The provision, however, makes an exception for the contract for sale or other disposition of land was executed before the coming into force of this Act. Subclause (6) provides that where a registrable document was not registered, the Attorney-at-law ceases to be the Attorney-at-law on record for the matter and the former client is informed of the outstanding obligations, the former client is required to register the registrable document. Subclause (7) provides that a registrable document executed on or after the commencement of this Act must be registered under this Act failing which it is not effectual for the transfer of the land.

Proposed section 15G provides that if ten months after the execution of a registrable document an Attorney-at-law believes that he would not be able to register or cause the registration of the registrable document he is required within twelve months of the execution, apply to the Registrar General for an extension of time to register the registrable document. The Registrar General is required within 14 days of the receipt of the application for the extension acknowledge receipt and grant the extension. The Registrar General can grant an extension for 90 days or for a longer period as he thinks fit. Where a person wishes to get a further extension, he is required to apply to the High Court at least one month before the expiration of the extension. The document may now be registered within the extended period but not after it has expired.

In new Part V, proposed section 15H sets out the duty of the Attorney-at-law retained in relation to a sale or other disposition of land to inform his client in writing of the obligations, timelines, fees and offences which apply to the transfer of the land and the Attorney must ensure that the client acknowledges the information in writing.

Proposed section 15I would set out transitional provisions for where registrable documents were executed before the commencement of this Act but not registered. It allows the person who has custody of the registrable document to register the document within twelve (12) months of the commencement of the Act. The section in proposed subsection (2) would provide that the purchaser is liable for the registration of the registrable document if, however, he is out of time he can apply to the Registrar General for an extension of the time to register the registrable document. The Registrar General on receipt of an application for an extension is required to acknowledge the receipt and grant the extension. Where a person wishes to get a further extension he is required to

apply to the High Court at least one month before the expiration of the extension. The document may now be registered within the extended period but not after it has expired.

Paragraph (*j*) would introduce a new heading for PART VI before the words “Priority of Deeds and Protection of Purchasers and Mortgagees”.

Paragraph (*k*) would amend section 16 to insert a new subsection (2) which would make it abundantly clear that an executed Deed under this section passes no title until it is registered under the Act.

Paragraph (*l*) would repeal section 18.

Paragraph (*m*) would introduce a new heading for PART VII before the words “Production of Deeds in Evidence”.

Paragraph (*n*) would introduce a new PARTS VIII and IX. Part VIII would now provide for offences and would contain 5 sections. New proposed section 22 would provide that it is an offence for an Attorney-at-law to fail to comply with the requirements of sections 15E, 15F(1) or 15H(1). The penalty if convicted is a fine of \$10,000.00 and if the penalty remains unpaid in respect of a registrable document which is valued at \$800,000.00 or less to a further penalty of \$5,000.00. Where the value is \$800,000.01 or more but less than \$1,000,000.00, to a further fine of the unpaid penalty and a penalty equal to the amount of the unpaid penalty. Where the value is \$1,000,000.01 or more but less than \$3,000,000.00, to a further fine of the unpaid penalty together with a penalty of \$10,000.00 and a further penalty of \$1,000.00 for every \$10,000.00 or part of \$10,000.00 of the unpaid penalty exceeding \$10,000.00. Where the value is \$3,000,000.01 or more, to a further fine of the unpaid penalty together with a penalty of \$10,000.00 and a further penalty of \$1,000.00 for every \$10,000.00 or part of \$10,000.00 of the unpaid penalty exceeding \$10,000.00. Where if the penalty remains unpaid in respect of a registrable document on payment, after six months and within one year after its execution, of the penalty and double the respective penalties in paragraph (*a*) or on payment, after one year, of the unpaid penalty and the respective penalties mentioned in paragraph (*a*)(ii) in respect of each period or part of a period of six months elapsing after the first execution of the said instrument.

Proposed section 23 would provide that it is an offence for a person to fail to comply with the requirements of sections 15C(1) or (2) or 15I(1) or (2). The penalty if convicted is a fine of \$5,000.00 and if the penalty remains unpaid in respect of a registrable document which is valued at \$800,000.00 or less to a further penalty of \$2,500.00. Where the value is \$800,000.01 or more but less

than \$1,000,000.00, to a further fine of the unpaid penalty and a penalty equal to the amount of the unpaid penalty. Where the value is \$1,000,000.01 or more but less than \$3,000,000.00, to a further fine of the unpaid penalty together with a penalty of \$10,000.00 and a further penalty of \$1,000.00 for every \$10,000.00 or part of \$10,000.00 of the unpaid penalty exceeding \$10,000.00. Where the value is \$3,000,000.01 or more, to a further fine of the unpaid penalty together with a penalty of \$10,000.00 and a further penalty of \$1,000.00 for every \$10,000.00 or part of \$10,000.00 of the unpaid penalty exceeding \$10,000.00. Where if the penalty remains unpaid in respect of a registrable document on payment, after six months and within one year after its execution, of the penalty and double the respective penalties in paragraph (a) or on payment, after one year, of the unpaid penalty and the respective penalties mentioned in paragraph (a)(ii) in respect of each period or part of a period of six months elapsing after the first execution of the said instrument.

Proposed section 24 would make it an offence for a person who in purporting to comply with this Act knowingly provides false information to the Registrar General. The penalty for the offence on summary conviction is a fine of \$10,000.00 and imprisonment for 6 months.

Proposed section 25 would provide a defence for offences under the Act if the accused proves that he did not knowingly authorize, permit or acquiesce in the commission of the offence.

Proposed section 26 would extend the time frame for commencing summary proceedings for an offence under this Act to seven years from the commission of the offence or within 18 months after evidence sufficient to justify the Registrar General for the institution of summary proceedings come to his knowledge.

New Part IX would provide for Miscellaneous Provisions. Proposed section 27 would provide that any instrument of trust made on or after the commencement of this Act which is not registered under this Act, is void. Provision is made to require trusts that are in existence prior to the commencement of this Act to be registered within twelve months of its commencement.

Where the trust in existence prior to the commencement of this Act is not registered as required, the Registrar may refuse to register any dealings with respect to the land subject of the Trust. A person aggrieved by the decision may approach the court for an extension of the time. The proposed new section in subsection (5) would define “instrument of trust” for the purposes of the section.

Paragraph (o) would introduce a new section 28 which would provide for appeals from decision of the Registrar to refuse to

register a contract for the sale or other disposition of land under section 15B(9), to refuse to accept a registrable document for registration under section 15F(4).

Paragraph (*p*) would introduce a new section 29 which would empower the Minister to amend the Schedule which contains the forms by Order.

Clause 5 of the Bill would seek to make amendments to the Conveyancing and Law of Property Act, Chap. 56:01. Paragraph (1) would insert a new section 3A into the Act to require that all Deeds for the conveyance of an interest in land must be preceded by a contract for the sale or other disposition of that interest. This however does not apply to a Deed of gift, an assent or the grant of a lease for a term of less than three years as these are not preceded by a contract or where the Deed of conveyance was made prior to the commencement of this Act. Paragraph (*b*) would repeal section 4 and substitute a new section 4 provides that no action can be brought upon any contract for the sale or other disposition of land or any interest in land unless the agreement or memorandum is in writing. Provision is made that this Act would not affect the law relating to the part performance before the coming into force of this Act. The provision makes it clear that after the coming into force of this Act, all contracts for the sale of land is required to be in writing and registered in accordance with the Registration of Deeds Act, however this does not affect to the law relating to the sale or disposition of land or an interest in land by an order of a Court. Paragraph (*c*) would amend section 10 to repeal and replace subsection (1) to provide that any conveyance of land or of any interest in land is void for the purpose of conveyancing are creating a legal interest unless it is made by Deed and on or after the commencement of this Act they are registered.

Clause 6 of the Bill would amend the Real Property Act, Chap. 56:02. In paragraph (*a*), the clause would insert a new definition for “interest in land” as the term is now to be used in the Act.

Paragraph (*b*) would insert after section 61, a new section 61A to require that all Deeds for the conveyance of an interest in land must be preceded by a contract for the sale or other disposition of that interest and the contract should be in accordance with the Registration of Deeds Act.

In paragraph (*c*), the clause would amend section 62 to insert new subsections (2), (3) and (4). New subsection (2) would prohibit the Registrar General from accepting a memorandum of transfer for registration unless it meets the requirements of section 5, 5A to 5D and Parts IV and V of the Registration of Deeds Act.

The provision would require the memorandum of transfer presented for registration is to be accompanied by a cover sheet and place the relevant information in the relevant index.

Paragraph *(d)* would amend section 130 to delete the reference to “Act or Ordinance” and replace with “written law”.

Paragraph *(e)* would insert a number of new sections after section 157. Proposed section 157A makes it an offence for a person to knowingly provide false information to the Registrar General. The penalty for this is a fine of \$10,000.00 and imprisonment for 6 months. Proposed section 157B would create a defense in proceedings for an offence under the Act if the accused proves that he did not knowingly authorize, permit or acquiesce in the commission of the offence. Proposed section 157C would extend the time frame for commencing summary proceedings for an offence under this Act to seven years from the commission of the offence or within 18 months after evidence sufficient to justify the Registrar General for the institution of summary proceedings come to his knowledge.

Clause 7 of the Bill would amend the Stamp Duty Act., Chap. 76:01 in section 16 to increase the penalty for a person attempts with intent to defraud the State by executing an instrument in which all the said facts and circumstances are not fully set forth or being employed or concerned in or about the preparation of an instrument, neglects or omits fully and truly to set forth all the said facts and circumstances from \$400.00 to \$12,000.00 and imprisonment for 12 months. The clause would also amend section 82 to increase the penalty for a person who practices or is concerned in any fraudulent act contrivance or device, not specially provided for by law with intent to defraud the State of any stamp duty from \$15,000.00 to \$30,000.00.

Clause 8 of the Bill would amend the Registration of Title to Lands Act, 2000. Paragraph *(a)* of the clause would amend section 26(2) of the Registration of Title to Lands Act, 2000 to refer to trusts being registered in accordance with the Registration of Deeds Act. Paragraph *(b)* would amend section 35(*b*) to correct a typographical error. Paragraph *(c)* would amend section 55 to delete subsection (2) and substitute a new subsection which requires a Deed of trust to be registered in accordance with the Registration of Deeds Act. Paragraph *(c)* would amend section 79 to remove the reference to a trust.

BILL

AN ACT to amend the Registrar General Act, Chap. 19:03, the Registration of Deeds Act, Chap. 19:06, the Conveyancing and Law of Property Act, Chap. 56:01, the Real Property Act, Chap. 56:02, the Stamp Duty Act, Chap. 76:01 and the Registration of Title to Land Act, 2000

[, 2020]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

- Short title **1.** This Act may be cited as the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020.
- Commencement **2.** This Act shall come into operation on such date as is fixed by the President by Proclamation.
- Chap. 19:03 amended **3.** The Registrar General Act is amended—
- (a) in section 4—
- (i) in subsection (1)—
- (A) by deleting the word “four” and substituting the word “seven”;
- (B) in paragraph (c), by deleting the words “; and” and substituting the words “;”;
- (C) in paragraph (d), by deleting the word “.” and substituting the words “;”;
- (D) by inserting after paragraph (d), the following new paragraphs:
- “(e) contracts for the sale of land;
- (f) beneficial owners; and
- (g) registrable documents executed but not registered.”;
- (ii) by inserting after subsection (1), the following new subsections:
- “ (1A) The Registrar General shall, in addition to the indexes under subsection (1), keep a

separate index for all instruments of trusts registered under the Registration of Deeds Act which shall not be open to the public and which may only be accessed by—

(a) the Director of the Financial Intelligence Unit of Trinidad and Tobago (hereinafter referred to as the “FIU”) solely for the purpose of enabling the FIU to do its analysis under the Financial Intelligence Unit of Trinidad and Tobago Act;

Chap. 75:01

(b) a member of the police service of the rank of Superintendent or above attached to the Division or Unit of the police service responsible for financial investigation or fraud, solely for the purpose of—

(i) investigating whether an offence has been committed

u n d e r
any written
law;

(ii) the lay-
ing of
informa-
tion; or

(iii) the prefer-
ring of an
i n d i c t -
ment,

where such informa-
tion can reasonably
be regarded as
being necessary for
the purpose of
ascertaining the
circumstances in
which an offence
under any written
law may have been
committed, or the
identity of the
person who may
have committed an
offence;

(c) the Chairman of the
Board of Inland
Revenue; and

(d) order of a court.”;

(iii) in subsection (2)—

(A) in paragraph (e), by
deleting the word “.” and
substituting the word “;”;
and

(B) by inserting after para-
graph (e) the following
new paragraph:

- “ (f) every contract for sale of land to be entered in the index of contracts for sale of land under the letter of the alphabet corresponding with the initial letter of the surname of each person named as a party to such contract, with the given names and the surnames at full length of all persons named as parties to the contract for sale of land;
- (g) every beneficial owner to be entered in the index of beneficiaries under the letter of the alphabet corresponding with the initial letter of the surname of each person named, with the given names and surnames at full length of the beneficiaries;
- (h) every registrable document executed

but not registered to be entered in the index of registrable document executed but not registered under the letter of the alphabet corresponding with the initial letter of the surname of each person named as a party to such registrable document executed but not registered, with the given names and the surnames at full length of all persons named as parties to the registrable document executed but not registered; and

- (i) every instrument of trust registered with him to be entered in the index of Trusts under the letter of the alphabet corresponding with the initial letter of the surname of the trustees, together with the given names and surname at full length of every

such person.”;

- (iv) by inserting after subsection (5) the following new subsection:

“ (6) For the purposes of this section—

““beneficial owner” has the meaning assigned to it by section 337A of the Companies Act; and

“trust” means a legal relationship created *inter vivos* by a person, the settlor, wherein land has been placed under the control of a trustee for the benefit of a beneficiary or for a specified purpose and—

(a) the land is not a part of the beneficial estate of the trustee;

(b) the legal title to the land stands in the name of the

trustee
or in the
name of
another
person
on behalf
of the
trustee;
and

(c) t h e
trustee
has the
power
and the
duty, in
respect
of which
he is
account-
able, to
manage,
employ
or dis-
pose of
the land
in accor-
d a n c e
with the
terms of
the trust
and the
special
duties
imposed
on him
by law,

and includes
any transfer of
property previously
subject to a
trust.”;

(b) in sections 5 and 6, by deleting the word “All” wherever it occurs and substituting the words “Subject to section 4(1A), all”;

(c) in section 7, by—

(i) renumbering section 7 as section 7(1); and

(ii) inserting after subsection (1), as renumbered, the following subsection:

“(2) The Minister may, by Order subject to negative resolution of Parliament, amend the Schedule.”; and

(d) in Part A of the Schedule, by inserting after paragraph (j), the following paragraphs:

- “ (k) for the registration of a contract for the sale of land \$100.00;
- (l) for late registration of a contract for the sale of land \$2,000.00;
- (m) for late registration of a registrable document for the sale of land \$2,000.00;
- (n) for variation or termination of a contract for the sale of land \$100.00;
- (o) for notice of execution of a registrable document for the sale of land \$100.00;
- (p) for applications \$100.00.”.

4. The Registration of Deeds Act is amended—

(a) by inserting before section 1, the following heading:

“PART I

PRELIMINARY”

(b) in section 2—

(i) by inserting in the appropriate alphabetical sequence, the following definitions:

“authorized clerk” means a person who is authorized in writing by an Attorney-at-law, in respect of a specific transaction in the form set out as Form C in the Schedule;

“interest in land” means the lawful right as owner of land to hold the legal or equitable title to the land; and

“Minister” means the Minister with responsibility for legal affairs;”;

(ii) in the definition of “qualified functionary”, by deleting the words “, a conveyancer”; and

(iii) by inserting after subsection (2), the following new subsection:

“ (2A) For the purposes of Parts IV and V—

“registrable document” means a written

instrument to create,
transfer or convey
any interest in
land and includes
every—

- (a) conveyance
of land
required
to be by
Deed and
r e g i s -
t e r e d
u n d e r
section 10
of the
Convey-
a n c i n g
and Law
of Property
Act; Chap. 56:01
- (b) instrument
to be reg-
i s t e r e d
u n d e r
the Real
Property
Act; Chap. 56:02
- (c) Deed of
assent;
- (d) Deed of
gift or
settlement;
or
- (e) instrument
of trust.”;

- (c) by inserting before the heading “EXECUTION AND REGISTRATION OF DEEDS”, the words, “PART II”;
- (d) by renumbering section 3 as section 3(1) and inserting after section 3(1), as renumbered, the following new subsection:

“(2) Every registrable document executed in Trinidad and Tobago or elsewhere shall in addition to all other requirements of this Act, be registered under this Act in order to be valid and effectual both in law and equity for all purposes, including the creation, transfer or conveyance of land.”;

- (e) in section 5A, by deleting the word “Ordinance” and substituting the word “Act”;
- (f) by inserting after section 5A, the following sections:

“Mode of
execution

5B. (1) Every Deed required or intended to be registered shall be executed and attested as follows:

- (a) a Deed that is executed in Trinidad and Tobago shall be executed in the presence of at least one witness not being a party thereto and of a qualified functionary, and the signing and delivery thereof shall be attested by one such witness at

least subscribing his name with the addition of his place of abode or business and his profession, occupation, or condition in life and by the qualified functionary subscribing his name with the addition of his qualification;

- (b) a Deed that is executed out of Trinidad and Tobago shall be executed in the presence of at least one witness not being a party thereto and a person referred to in section 10(1)(b), and the signing and delivery thereof shall be attested by one such witness at least subscribing his name with the addition of his place of abode or business and his profession, occupation or condition in life and by the person referred to in section 10(1)(b), subscribing his name with the addition of his qualification; and
- (c) a Deed that is executed by a company or corporation shall be executed and attested in a manner prescribed by written law or the common law.

(2) A qualified functionary shall not subscribe a Deed under this section unless it bears the signature of some Attorney-at-law as having prepared the Deed.

Attestation of
Deeds out of
Trinidad and
Tobago

5C. In all cases in which any Deed referred to in section 5B is executed outside of Trinidad and Tobago, the affidavit or solemn declaration of the witness proving such execution shall be made and the making of the same may be certified in the like manner as that prescribed for Deeds executed out of Trinidad and Tobago by section 10.

Execution of
instrument by
marksman

5D. (1) The signing in relation to a Deed includes signing by use of foreign characters or by the making of a mark.

(2) The Registrar General may refuse to register any Deed executed by a person signing his name in foreign characters, or by making his mark, unless the same bears upon it a certificate by a qualified functionary or a duly licensed interpreter, that he has explained or caused to be explained the true purport of such Deed to such person so signing as aforesaid, and that he is satisfied that the person understands the same.”;

(g) by repealing sections 7 and 8 and substituting the following section:

“Registration of Deed executed in accordance with section 5B and 5C 7. A Deed that is executed and attested in accordance with section 5B and 5C may be registered under this Act.”;

(h) in section 13A—

(i) by renumbering section 13A as section 13A(1); and

(ii) in section 13A(1), as renumbered, by—

(A) by inserting after the words “Attorney-at-law”, the words “or the previous client referred to in section 15F(6)”;

(B) deleting paragraph (g) and substituting the following paragraphs:

“ (g) information on the authorised clerk; and

(h) such other particulars as the Minister may, by Order, prescribe.”;

(iii) inserting after section 13A(1), as renumbered, the following new subsection:

“(2) The Registrar General shall cause the information contained in the cover sheet referred to in subsection (1), to be placed in the relevant index, but the cover sheet shall not be open to the public.”;

- (i) by inserting after section 15, the following Parts:

“PART III

CONTRACT FOR THE SALE OR
OTHER DISPOSITION OF LAND

Form and
content of
contract for
sale or other
disposition of
land to be
registered

15A. (1) Notwithstanding any other law, every contract for sale or other disposition of land shall—

- (a) be prepared by an Attorney-at-law;
- (b) be in writing;
- (c) include all the terms of the contract expressly agreed upon by the parties for sale or other disposition of land in one document or where contracts are exchanged, in each document;
- (d) be signed by each party to the contract for sale or other disposition of land or his duly authorized agent;
- (e) executed and signed in the presence of at least one witness not being a party thereto;
- (f) include a preparation certificate signed by the Attorney-at-law who prepared the contract for sale or other disposition of land; and

(g) contain a—

- (i) record of the date and time of the execution of the contract for sale or other disposition of land; or
- (ii) a provision setting out the agreed date and time for commencement.

(2) Subsection (1) shall also apply to an assignment of a contract for sale or other disposition of land and sub-contracts under a contract for sale or other disposition of land.

Registration
of contract
for the sale
or other
disposition
of land

15B. (1) Subject to subsection (4), every contract for the sale or other disposition of land shall be registered by the Attorney-at-law who prepared it or his authorized clerk, within thirty days of execution of the contract for sale or other disposition of land.

(2) Where contracts for the sale or other disposition of land are exchanged, one document complying with all the requirements of 15A(1) and reflecting the contents of the exchanged contracts, shall be registered within thirty days of execution or as applicable, within thirty days from the effective date of the contract.

(3) A contract for the sale or other disposition of land shall not be registered unless it is accompanied by—

- (a) a duly completed cover sheet as set out in subsection (4); and
- (b) the relevant fee specified in the Schedule to the Registrar General Act.

(4) The cover sheet required under subsection (3) shall be in the form set out as Form C in the Schedule and contain the following information:

- (a) the name of the Attorney and his admission number;
- (b) names of parties to the Deed;
- (c) date of execution or effective date;
- (d) number of pages;
- (e) reference to the previous vendor's title Deed or instrument;
- (g) information on the authorized clerk; and
- (f) such other particulars as the Minister may by Order prescribe.

(5) The Registrar General may, within forty-eight hours of a

submission of a contract of the sale or other disposition of land for registration under subsection (1), request any other information relative to that provided on the cover sheet.

(6) Where the Registrar General requests information under subsection (5), the time for registration of the contract for sale or other disposition of land shall now be thirty days from the date of the notification by the Registrar General.

(7) Where a contract for the sale or other disposition of land is not registered within the period specified under subsection (1) or any further period as provided for under subsection (6), any party to the contract for sale or other disposition of land or the legal personal representative of the party or a duly authorized attorney operating under a registered Power of Attorney, may apply to the Registrar General for the late registration of the contract for sale or other disposition of land.

(8) An application under subsection (7), shall be in the form set out as Form D in the Schedule, include reasons for the delay and be accompanied by the fee

specified in the Schedule to the Registrar General Act.

(9) The Registrar General shall refuse to register a contract for sale or other disposition of land if there is a subsisting contract affecting the land—

- (a) which has been registered under this section and which has not expired; or
- (b) for which a notice of termination under section 15C has not been recorded by the Registrar General; or
- (c) where the contract for sale or other disposition of land does not meet the requirements of section 15A(1).

(10) Where a party seeks to register a contract for the sale or other disposition of land within thirty days of its execution or effective date, and there exists a subsisting contract for the sale of other disposition of that land which has been registered, the purchaser seeking registration may apply to the Registrar General for the establishment of a priority list for registration based solely on the date and time, being either the date and time of execution or the effective date as applicable, of the contract for sale

or other disposition of land and such application shall operate as a caveat on any further dealings with the land until such time as the priority list is established by the Registrar General.

(11) Where the Registrar General establishes a priority list under subsection (10), he shall give Notice of the priority list to all the parties so affected.

(12) Where a subsisting contract referred to in subsection (9) expires, the Registrar General may proceed to register the contract for the sale or other disposition of land in accordance with this Act.

(13) This section does not apply to—

- (a) the transfer of lands by gift or assent or by the grant of a lease for a term of less than three years;
- (b) Mortgages;
- (c) Releases;
- (d) Rectifications;
- (e) Confirmations; or
- (f) any other voluntary transfer of land without valuable consideration.

Notice of
variation or
termination
of contract for
sale or other
disposition of
land

15C. (1) Where a registered contract for the sale or other disposition of land is varied,

including date of completion, or terminated and all the parties to the contract for sale or other disposition of land agree to the variation or termination, either party or their Attorneys-at-law shall submit to the Registrar General a notice of the variation or termination within thirty days of the variation or termination.

(2) If the parties to the sale or other disposition of land do not agree to the mutual termination of the registered contract for the sale or other disposition of land, the aggrieved party or his Attorney-at-law terminating the contract *proprio motu* or wishing to record a termination or rescission, shall submit to the Registrar General within thirty days of the termination, in the form set out as Form E in the Schedule a Notification that the contract for the sale or other disposition of land has been terminated or rescinded which shall be recorded by the Registrar General.

(3) Subsection (2) shall not operate to preclude or prevent an aggrieved party from seeking any remedy available under any written law, whether written or otherwise, the contract for sale of other disposition of land or equity.

(4) A notice under subsection (1) or (2) shall be in the form set out as Form E in the Schedule and would include, in respect of the contract for sale or other disposition of land—

- (a) the names of the parties;
- (b) the date of registration;
- (c) the registration number issued by the Registrar General;
- (d) the particulars of the variation; and
- (e) the provision of the contract under which it was terminated.

(5) Within fourteen days of the receipt of a notice under subsection (1) or (2), the Registrar General shall, in writing and electronically, inform all other parties to the contract for sale or other disposition of land of the receipt of that notice.

PART IV

EXECUTION AND REGISTRATION OF REGISTRABLE DOCUMENTS

Form and
content of
registrable
documents

15D. (1) The Attorney-at-law who prepares a registrable document in respect of the sale or other disposition of land shall ensure that contents of a registrable document for the sale or other disposition of land—

- (a) relate to a contract for

sale or other disposition of land which is registered in accordance with section 15B; and

- (b) be consistent with the terms of the contract for sale or other disposition of land, including any variation submitted under section 15C.

(2) Subsection (1) does not apply to—

- (a) the transfer of lands by gift or assent or by the grant of a lease for a term of less than three years;
- (b) Mortgages;
- (c) Releases;
- (d) Rectifications;
- (e) Confirmations; or
- (f) any other voluntary transfer of land without valuable consideration.

(3) In addition to any penalty under section 22, a registrable document made in contravention of this section shall be void.

Notice of
execution of
registrable
document

15E. An Attorney-at-law who prepares a registrable document or his authorized clerk shall, within fourteen days of the execution of the registrable

document, submit to the Registrar General a notice of the execution which shall be in the form set out as Form F in the Schedule.

Registration
of
registrable
document

15F. (1) Subject to section 15G, every registrable document shall be registered with the Registrar General within twelve months of its signing and delivery.

(2) Subject to subsections (4) and (5), an Attorney-at-law or his authorized clerk shall register a registrable document.

(3) An Attorney-at-law who submits, or authorizes, the submission of a notice under section 15G(1) and who ceases to be the Attorney-at-law retained in respect of the registrable document, shall, within seven days of ceasing to be the Attorney-at-law on record, inform—

(a) the Registrar General in the form set out as Form G in the Schedule of that fact; and

(b) his former client of any obligations that remain outstanding with respect to the registration of the registrable document in the form set out as Form H in the Schedule.

(4) The Registrar General shall not accept a registrable document for registration unless—

(a) the Attorney-at-law referred

to in subsection (2)—

(i) is registered with the Financial Intelligence Unit established under the Financial Intelligence Unit of Trinidad and Tobago Act;

(ii) is not suspended from practice under section 25 of the Legal Profession Act; and

(iii) holds, or is deemed to hold, a valid practising certificate under section 23 or 26 of the Legal Profession Act, as the case may be; and

(b) where, the registrable document is in respect of the sale of land, the contract for the sale or other disposition of land to which the registrable document relates, is registered in accordance with section 15B.

(5) Notwithstanding subsection (4), the Registrar General may accept a registrable document for sale of land for registration if the contract for sale or other disposition of land to which the registrable document

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for sale of land relates, having been executed prior to the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020, was not registered.

(6) Notwithstanding subsection (2), a former client who is informed of outstanding obligations under subsection (3)(b) shall be liable for the registration of the registrable document in accordance with this Act.

(7) A registrable document executed on or after the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020 shall not be effectual for the creation, transfer or conveyance of lands, unless registered in accordance with this Act and in respect of lands under the Real Property Act, section 38 of the Real Property Act shall continue to apply.

Application
for extension
of time

15G. (1) Where, ten months after the execution of a registrable document, an Attorney-at-law believes that he would not be able to—

(a) register a registrable document; or

- (b) cause a registrable document to be registered,

within the twelve months of its execution, he may apply to the Registrar General for an extension of time to register the registrable document.

(2) An application under subsection (1) shall—

- (a) be in the form set out as Form I of the Schedule;
- (b) be made before the expiration of eleven months from the date of execution of the registrable document;
- (c) include reasons for the failure to register the registrable document and such other information as the Registrar General may require; and
- (d) be accompanied by the fee specified in the Schedule to the Registrar General Act.

(3) Within fourteen days of receipt of an application under subsection (1), the Registrar General shall, in writing, acknowledge receipt of the application and grant the extension in the form set out as Form J in the Schedule.

(4) An extension granted by the Registrar General under subsection (3) shall be for a period of ninety days.

(5) A person seeking a further extension of the period under subsection (4) may, apply to the High Court at least one month before the expiration of an extension.

(6) Where an extension is granted under subsection (3), the registrable document may be registered within the period of extension but shall not be accepted for registration after the expiration of the extension.

(7) A late registration fee specified in the Schedule to the Registrar General Act shall be paid to the Registrar General in respect of a registrable document that is registered after the expiration of twelve months from the date of its execution but before the expiration of the period of the extension granted.

PART V

DUTY OF ATTORNEY-AT-LAW TO INFORM CLIENT OF OBLIGATIONS, ETC.

Duty of
Attorney-at-
law to inform
his client of
obligations
etc.

15H. An Attorney-at-law who is retained in relation to a sale or other disposition of land shall inform his client, in writing, of the obligations, timelines, fees and offences which apply to the transfer of land under this Act.

Transitional
provisions

15I. (1) Where a registrable document is executed prior to the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land Act), 2020, and is not registered on, or before the commencement of that Act, the person with custody of the registrable document shall, notwithstanding section 15F(2), register it within twelve months of commencement of that Act.

(2) Notwithstanding section 15F, the purchaser shall be liable for the registration of a registrable document in accordance with subsection (1).

(3) Where, as a result of circumstances beyond his control, a purchaser fails to register a registrable document within the period specified in subsection (1), he may apply to the Registrar General for an extension of time to register the registrable document.

(4) An application under subsection (3) shall be in the form set out as Form L in the Schedule and be accompanied by the fee specified in the Schedule to the Registrar General Act.

(5) Within fourteen days of receipt of an application under subsection (3), the Registrar General shall, in writing, acknowledge receipt of the application and grant the extension.

(6) An extension granted by the Registrar General under subsection (5) shall be for a period of ninety days or such longer period as the Registrar General may think fit.

(7) A person seeking a further extension of the period under subsection (5) may, apply to the High Court at least one month before the expiration of an extension.

(8) Where an extension is granted under subsection (5), the registrable document shall be registered before the expiration of the extension.

(9) The late registration fee specified in the Schedule to the Registrar General Act shall be paid to the Registrar General in respect of a registrable document that is registered pursuant to subsection (8).";

(j) by inserting before the heading "PRIORITY OF DEEDS AND PROTECTION OF PURCHASERS AND MORTGAGEES", the following heading:

"PART VI";

(k) in section 16, by inserting after subsection (2), the following new subsection:

“ (3) For the avoidance of doubt, every Deed under this section which is executed passes no title until it is registered in accordance with this Act.”;

(l) by repealing section 18;

(m) by inserting before the heading “PRODUCTION OF DEEDS IN EVIDENCE”, the following heading:

“PART VII”; and

(n) by inserting after section 21, the following Parts:

“PART VIII

FINES AND OFFENCES

Failure to
comply with
section 15E,
15F or 15H(1)

22. An Attorney-at-law who fails to comply with section 15E, 15F(2) or 15H(1) is liable to a penalty of ten thousand dollars and if the penalty remains unpaid in respect of a registrable document—

(a) which is valued at—

(i) eight hundred thousand dollars or less, to a further penalty of five thousand dollars;

(ii) eight hundred thousand and one cent or more but less than one million dollars, to

a further fine of the unpaid penalty and a penalty equal to the amount of the unpaid penalty;

- (iii) one million dollars and one cent or more but less than three million dollars, to a further fine of the unpaid penalty together with a penalty of ten thousand dollars and a further penalty of one thousand dollars for every ten thousand dollars or part of ten thousand dollars of the unpaid penalty exceeding ten thousand dollars; or
- (iv) three million dollars and one cent or more, to a further fine of the unpaid penalty together with a penalty of ten thousand dollars and a further penalty of one thousand dollars for every ten thousand dollars

or part of ten thousand dollars of the unpaid penalty exceeding ten thousand dollars;

- (b) on payment, after six months and within one year after its execution, of the penalty and double the respective penalties in paragraph (a); and
- (c) on payment, after one year, of the unpaid penalty and the respective penalties mentioned in paragraph (a)(ii) in respect of each period or part of a period of six months elapsing after the first execution of the said instrument.

Failure to
comply with
section
15C(1) or
15I(1)

23. A person who fails to comply with section 15C(1) or (2) or 15I(1) or (2), is liable to a penalty of five thousand dollars and if the penalty remains unpaid in respect of a registrable document—

- (a) which is valued at—
 - (i) eight hundred thousand dollars or less, to a further penalty of two thousand and five hundred dollars;

- (ii) eight hundred thousand and one cent or more but less than one million dollars, to a further fine of the unpaid penalty and a penalty equal to the amount of the unpaid penalty;
- (iii) one million dollars and one cent or more but less than three million dollars of the unpaid penalty together with a penalty of ten thousand dollars and a further penalty of one thousand dollars for every ten thousand dollars or part of ten thousand dollars of the unpaid penalty exceeding ten thousand dollars; or
- (iv) three million dollars and one cent or more of the unpaid penalty together with a penalty of ten thousand dollars

and a further penalty of one thousand dollars for every ten thousand dollars or part of ten thousand dollars of the unpaid penalty exceeding ten thousand dollars;

- (b) on payment, after six months and within one year after its execution, of the penalty and double the respective penalties aforesaid; and
- (c) on payment, after one year, of the unpaid penalty and the respective penalties mentioned in paragraph (b) in respect of each period or part of a period of six months elapsing after the first execution of the said instrument.

Providing
false
information
to the
Registrar
General

24. A person purporting to comply with this Act who knowingly provides false information to the Registrar General commits an offence and is liable upon summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

Defence 25. It is a defence in proceedings for an offence under this Act if the accused proves that he did not knowingly authorize, permit or acquiesce in the commission of the offence.

Limitation re: summary offences 26. (1) Notwithstanding any written law prescribing a time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this Act may be instituted at any time within eighteen months after the relevant date.

(2) In this section, the “relevant date” means the date on which evidence, sufficient in the opinion of the Registrar General to justify the institution of summary proceedings, comes to his knowledge.

(3) For the purpose of subsection (2), a certificate as to the date on which the evidence referred to in subsection (2) comes to the knowledge of the Registrar General shall be conclusive evidence of that fact.

PART IX

MISCELLANEOUS PROVISIONS

Instruments of Trusts 27. (1) An instrument of trust that is made on or after the commencement of the Miscellaneous Provisions (Registrar General,

Registration of Deeds, Conveyancing and Law of Property, Real Property and Stamp Duty and Registration of Title to Land) Act, 2020, is void, unless made by Deed and registered in accordance with this Act.

(2) Within twelve months of the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020, every trustee of a trust in existence prior to the commencement of that Act shall submit to the Registrar General the particulars of the trust in the form set out as Form M in the Schedule.

(3) Where a trustee fails to submit to the Registrar General the particulars of a trust as required by subsection (2), the Registrar shall not register any dealings in respect of the land subject to the trust and any person affected by such decision shall apply to the court for an extension of the time under subsection (2) for the registration of the trust.

(4) Every *inter vivos* dealing or transaction affecting a trust of land or affecting land which is the subject of the

trust made on or after the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Stamp Duty and Registration of Title to Land) Act, 2020, including—

- (a) a disposition of—
 - (i) a subsisting trust; and
 - (ii) an equitable interest in land which is the subject of a trust;
- (b) a declaration of a trust;
- (c) appointment of a trustee;
- (d) retirement of a trustee;
- (e) disclaimer of a trustee;
- (f) delegation of duties of a trustee; and
- (g) variation of the terms and conditions of a trust,

shall be void unless made by Deed and registered in accordance with this Act.

(5) For the purposes of this section—

“instrument of trust” means—

- (a) a document creating an express trust in respect of any land or interest therein; or

- (b) a document containing an *inter vivos* dealing or transaction affecting a trust of land or affecting land which is the subject of a trust,

including—

- (c) a disposition of—
 - (i) a subsisting trust; and
 - (ii) an equitable interest in land which is the subject of a trust;
- (d) a declaration of a trust;
- (e) the appointment of a trustee;
- (f) the retirement of a trustee;
- (g) the disclaimer of a trustee;
- (h) delegation of duties of a trustee; and
- (i) variation of the terms and conditions of a trust,

but does not include a trust created under a testamentary disposition; and

“trust” means a legal relationship *inter vivos* created by a person (the

settlor) wherein land has been placed under the control of a trustee for the benefit of a beneficiary or for a specified purpose and—

- (a) the land is not a part of the beneficial estate of the trustee;
- (b) legal title to land stands in the name of the trustee or in the name of another person on behalf of the trustee; and
- (c) the trustee has the power and the duty, in respect of which he is accountable, to manage, employ or dispose of the land in accordance with the terms of the trust and the special duties imposed on him by law,

and includes any transfer of land previously subject to a trust.

(6) For the purpose of the definition of “trust” under subsection (5)(b), a reservation by a settlor of certain rights and powers and the fact that the trustee himself has rights as a beneficiary are not necessarily inconsistent with the existence of a trust.

Appeals

28. A person who is aggrieved by a decision of the Registrar General to—

- (a) refuse to register a contract for the sale or other disposition of land under section 15B(9); and
- (b) refuse to accept a registrable document for registration under section 15F(4) and 15I(6),

may appeal to the High Court and the High Court may make such order as it thinks fit.

Amendment
of Schedule

29. The Minister may, by Order, amend the Schedule.

- (o) The Schedule is amended by inserting after Form B the following new forms:

“FORM C

(Section 2(2), 13A(1) and 15B)

DOCUMENT COVER SHEET

ALL ATTORNEYS-AT-LAW ARE REQUIRED TO COMPLETE THIS FORM IN DUPLICATE FOR REGISTRATION OF ALL DEEDS AND OTHER DOCUMENTS UNDER THE REGISTRAR GENERAL ACT, CHAP. 19:03, THE REGISTRATION OF DEEDS ACT, CHAP 19:06 AND THE REAL PROPERTY ACT, CHAP 56:02

PLEASE COMPLETE FORM IN BLOCK LETTERS

SECTION I – REGISTERING ATTORNEY		PURPORT/TYPE OF INSTRUMENT	
BAR IDENTIFICATION NUMBER _____		1	Agreement
NAME AND ADDRESS _____		1A	Contracts for Sale or other disposition of land
OF ATTORNEY _____		2	Assent
TELEPHONE NO: _____	FAX. NO. _____	3	Assignment
SECTION II		4	Credit Union Charge
AUTHORIZED CLERK _____	ID Number _____	5	Conveyance
AUTHORIZED CLERK ADDRESS _____	_____	6	Court Order
ATTORNEY NAME _____	ATTORNEY SIGNATURE _____	7	Debenture
SECTION III – DOCUMENT INFORMATION PURPORT/TYPE OF DOCUMENT		8	Determination of Lease
(Fill in one number from the appropriate purport/type provided on the right)		9	Gifts/Settlements
NAME OF PARTIES TO THE DOCUMENT – Between _____		10	Grants of Easement/ Right of Way
_____	_____	11	Lease
AND _____	_____	12	Mortgage
EFFECTIVE DATE/OR DATE OF EXECUTION FOR CONTRACTS FOR SALE _____	_____	13	Partial Release
OR OTHER DISPOSITION OF LAND _____	_____	14	Partition
NUMBER OF PAGES _____	_____	15	Power of Attorney
REFERENCE TO PRIOR DEED(S) OR RELATED REGISTERED CONTRACT _____	_____	16	Rectification
NUMBER OF AND DESCRIPTION OF ATTACHMENTS _____	_____	17	Release of Mortgage
(Fill in the number of the attachments in the boxes below)	_____	18	Credit Union Charge Release
Affidavit _____	_____	19	Revocation of Power
Plan _____	_____	20	Sub Lease
Notarial Certificate _____	_____	21	Transfer of Mortgage
Declaration _____	_____	22	Trust-document
Plan _____	_____	22A	Instruments of Trust [RDA(section 27(5))]
Other (state number of attachments not written) _____	_____	23	Variation of Mortgage
CONSIDERATION \$ _____	RENT/INTEREST _____	24	Variation of Lease
DATE OF DOCUMENT _____	_____	25	Chattel Mortgage
DATE OF EXECUTION _____	H.C.A NO. _____	26	Deed Poll
_____	DD/MM/YYYY _____	27	Bills of Sale
FOR OFFICIAL USE ONLY		28	Bills of Sale Re-registration
CHECKLIST FOR REGISTRATION OF DOCUMENTS		29	Bills of Sale Satisfaction
<input type="checkbox"/> Coversheet	_____	32	National Loan
<input type="checkbox"/> Deed or Document Initial of CC _____	_____	33	National Loan Release
<input type="checkbox"/> Signed Preparation Clause _____	_____	34	Judgement Final
<input type="checkbox"/> Stamp Duty _____	_____	35	Judgement Re-registration
<input type="checkbox"/> Date of Execution _____	_____	36	Judgement Satisfaction
<input type="checkbox"/> Schedule – Ward & Boundaries _____	_____	37	Lis Pendens
<input type="checkbox"/> Attachments _____	_____	38	Lis Pendens Re-registration
<input type="checkbox"/> Attestation Clause (i) execution by individual _____	_____	39	Lis Pendens Satisfaction
(ii) execution by marksman _____	_____	40	Will Duty
(iii) execution by company _____	_____	41	Miscellaneous
<input type="checkbox"/> Affidavit _____	_____	55	Request for Upstamp
<input type="checkbox"/> Documents Executed Abroad – Notarial Certification _____	_____	99	Other
Declaration of Witness _____	_____	FOR OFFICIAL USE ONLY	

FORM D

REGISTRATION OF DEEDS ACT, CHAP. 19:06

(Section 15B(8))

**APPLICATION FOR LATE REGISTRATION OF
CONTRACT FOR SALE OF LAND**

To: REGISTRAR GENERAL

I, _____,
(Name of Applicant) _____,
*(Vendor/Purchaser/Duly authorised
attorney/Legal personal representative)*
_____ of _____,
(Profession) *(Address)*

In accordance with section 15B (7) of the Registration of Deeds Act,
Chap. 19:06, wish to apply for the late registration of the contract for
sale or other disposition of land described in the Schedule below
between-

_____ and _____
(Names of Parties)

Executed on _____ and which expires/expired on
(Date of Execution/Effective Date)

(Date of Expiration/Agreed Completion Date)

The reason for the late registration is as follows:

.....
.....

SCHEDULE

DESCRIPTION OF LAND

.....
.....

Date

Signature of Attorney-at-law

Name of Attorney-at-law and
BAR Identification Number

**Note: Original Contract for Sale or other disposition of land should be attached
to this application.**

FORM E

REGISTRATION OF DEEDS ACT, CHAP. 19:06

(Section 15C(4) 154(1))

**NOTICE OF VARIATION OR
TERMINATION OF CONTRACT FOR SALE
OR OTHER DISPOSITION OF LAND**

To: REGISTRAR GENERAL

TAKE NOTICE that the contract for sale or other disposition of land
executed on _____ between

(Date of Execution)

and

_____ *(Name of Parties)*

registered in and accordance with section 15B of the Registration
of Deeds Act, Chap. 19:06 as _____ on

(Registration Number)

_____ was varied/terminated on _____
(Registration Date) *(Date of Variation/Termination)*

with/without agreement.

FILL OUT WHERE APPLICABLE

- The contract for sale or other disposition of land was varied as follows: _____

(State Particulars of Variation)

The contract for sale or other disposition of land was terminated in
accordance with _____ of the contract for sale or

(State clause)

other disposition of land.

Date

Signature of Attorney-at-law

Name of Attorney-at-law and
BAR Identification Number

***Note: A written agreement varying or terminating the Agreement of Sale or
other disposition of land signed by both parties should be attached if done by
agreement.***

FORM F

REGISTRATION OF DEEDS ACT, CHAP. 19:06

(Section 15E)

NOTICE OF EXECUTION OF REGISTRABLE DOCUMENT

To: REGISTRAR GENERAL

TAKE NOTICE that _____ and _____
(Names of Parties)

executed a registrable document, _____
(Type of Document)

on _____ at _____
(Date of Execution) (Place of Execution)

for which a contract for sale or other disposition of land described in
the Schedule below for _____
(Consideration)

was previously registered as _____
(Registration Number)

on _____.
(Date of Registration)

SCHEDULE

DESCRIPTION OF LAND

.....
.....
.....
.....
.....

Date

Signature of Attorney-at-law

Name of Attorney-at-law and
BAR Identification Number

FORM G

REGISTRATION OF DEEDS ACT, CHAP. 19:06

(Section 15F(3)(a))

**NOTICE TO REGISTRAR GENERAL FOR
CESSATION AS ATTORNEY-AT-LAW ON
RECORD**

To: REGISTRAR GENERAL

TAKE NOTICE that in accordance with section 15F(3)(a) of the
Registration of Deeds Act, Chap. 19:06,

I, _____, was
(Name of Attorney)

retained by _____
(Name of former client)

in respect of a registrable document, for which a Notice under
section 15E was submitted on _____
(Date of Notice)

and for which an application was submitted under section 15G(1),
have ceased to be the Attorney on record for this matter.

Date

Signature of Attorney-at-law

Name of Attorney-at-law and
BAR Identification Number

FORM H

REGISTRATION OF DEEDS ACT, CHAP 19:06

(Section 15F(3)(b))

NOTICE TO CLIENT OF OBLIGATIONS ON CEASING TO BE ATTORNEY ON RECORD

To: _____ of _____
(Name of Client) *(Address of Client)*

Take notice that having ceased to be the attorney on record in respect of the matter _____ as
(Date of Registration)

_____, such cessation having been
(Registration Number)

Registered and notified to the Registrar General on _____, please be informed of the following
(Date of Notice to Registrar General)

obligations relative to that registration:

1. You are required by section 15F(6) to register the registrable document which was delivered to you on _____ and is in your possession within
(Date registrable document delivered to former client)

twelve (12) months of its signing and delivery.

2. The Registrable document is to be accompanied by the cover sheet and prescribed fee of _____ .

3. If you are unable to register the document within 12 months of its signing, you are required to apply under section 15G for an extension of time and pay the prescribed fee of _____ .

4. If an extension is granted, you are required to register the registrable document within the limit of the extension given under section 15F(4).

5. If you fail to register the registrable document as required by 15I(1) you are liable to the penalties set out in section 23.

Date

Signature of Attorney-at-law

Name of Attorney-at-law and
BAR Identification Number

Note: This Notice is required to be served on the client in duplicate and an endorsement of proof of service or registered post including a duplicate with the endorsement of service should be filed as an Appendix to Form E.

FORM I

REGISTRATION OF DEEDS ACT, CHAP. 19:06

(Section 15G(2)(a))

To: **REGISTRAR GENERAL**

I, _____,
(Attorney-at-Law)
 having prepared a registrable document between
 _____ and _____
(Names of Parties)
 which was executed on _____
(Date of Execution)
 in respect of _____
(Type of Instrument)

and for which a notice of execution was filed on _____
(Date of notice of execution filed)

which is required to be registered on or before _____
(Date of expiration)

being twelve (12) months from the execution date, hereby apply for
 an extension of time to register the registrable document.

The reason for the late registration is as follows:

 Date

 Signature of Attorney-at-law

 Name of Attorney-at-law and
 BAR Identification Number

FORM J

REGISTRATION OF DEEDS ACT, CHAP. 19:06

(Section 15G(3))

**NOTICE OF EXTENSION OF PERIOD FOR
REGISTRATION**

TAKE NOTICE that having received an application from-

_____ *(Name of Applicant)*
on _____ *(Date of Application)* for the extension of time for the
registration of a registrable document being a _____ *(Type of Instrument)*
between _____ and _____ *(Name of Parties)*,
which was executed on _____ *(Date of Execution)*,

I have approved the extension of the period of registration to a
further period of _____ *(Period of Extension)*.

Date

Registrar General

FORM K

REGISTRATION OF DEEDS ACT, CHAP 19:06

(Section 15H(2))

**ACKNOWLEDGEMENT OF INFORMATION
PROVIDED BY FORMER
ATTORNEY-AT-LAW**

I, _____,
(Name of Former Client)

acknowledged that I have been informed by my former Attorney-at-law on record for the sale or other disposition of land of all,

(Name of former Attorney-at-law)
obligations, timelines, fees and offences which apply to the transfer of the land.

Date

Signature of former client

Name of former client and
Identification Number

FORM L

REGISTRATION OF DEEDS ACT, CHAP. 19:06

(Section 15I(3))

**APPLICATION UNDER SECTION 15I(3) FOR LATE
REGISTRATION OF
OF REGISTRABLE DOCUMENT**

To: REGISTRAR GENERAL

I,

(Name of applicant)

(Vendor/Purchaser/Duly authorised attorney/ Legal personal representative) _____
(Profession)

of _____, in accordance
(Address)

with section 15I(3) of the Registration of Deeds Act, Chap. 19:06,
wish to apply for the late registration of the registrable document
in respect of the land described in the Schedule below between-

_____ and _____
(Names of Parties)

executed on _____ and which is/was required to
(Date)

be registered before _____
(Date of Expiration/Agreed Completion Date)

pursuant to section 15G. The reason for the late registration is as
follows:

.....
.....

SCHEDULE

DESCRIPTION OF LAND

.....
.....

Date

Signature of Applicant

Name of Applicant and Identification
Number/BAR Identification Number

FORM M

REGISTRATION OF DEEDS ACT, CHAP. 19:06

(Section 27(2))

PARTICULARS OF TRUSTS IN EXISTENCE

To: **REGISTRAR GENERAL**

TAKE NOTICE of the following particulars relative to trusts in existence prior to the Commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020.

Name of Settlor(s)/ Legal Owner(s) _____

Address of Settlor(s) Legal Owner(s)

Name of Trustee(s) _____

Address of Trustee(s) _____

Name of Beneficiary(ies) _____

Address of Beneficiary(s) _____

Name of any other party to the trust _____

Address of any other party to the trust

Description of land affected by/subject to the trust*

Date of Trust Deed/Instrument

Date

Signature of Trustee

Name of Trustee and Identification Number

**Make reference to a deed/instrument of title; if there is no written deed or document particulars of essential terms and conditions eg consideration, obligations which can be attached in an Appendix.*

5. The Conveyancing and Law of Property Act is amended—

(a) in section 2, by inserting after the definition of “income” the following new definition:

““interest in land” means the lawful right as owner of land to hold the legal title to the land;”;

(b) in Part I—

(i) by inserting after the heading “PART II SALES AND OTHER TRANSACTIONS CONTRACTS” the following new section:

“Contract to precede Deed 3A. (1) Subject to subsection (2), on or after the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020, every Deed for the conveyance of an interest in land shall be preceded by a contract for the sale or other disposition of that interest.

(2) Subsection (1) does not apply to a Deed of gift, an assent or a grant of a lease for a term of less than three years.

(3) Subsection (1) shall not apply where the Deed of conveyance was

made prior to the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020.”;

- (ii) by repealing section 4 and replacing it with the following section—

“Contracts for sale, etc., of land to be in writing and registered 4. (1) No action may be brought upon any contract for the sale or other disposition of land or any interest in land, unless the agreement upon which such action is brought, or some memorandum or note thereof, is in writing, and signed by the party to be charged or by some other person lawfully authorized by him.

(2) Subsection (1) applies to contracts made before the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020.

(3) The Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020 does not affect the law relating to part performance before the coming into force of that Act.

(4) On or after the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020, all contracts for the sale of land shall be in writing and registered in accordance with the Registration of Deeds Act.

(5) Subsection (4) does not affect the law relating to the sale or other disposition of land or an interest in land by an order of a Court.”; and

- (iii) in section 10, by repealing subsection (1) and substituting the following new subsection:

“Lands to be granted by registration 10. (1) All conveyances of land or of any interest therein are void for the purpose of conveying or

creating a legal estate unless—

- (a) made by Deed; and
- (b) on or after the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020, they are registered in accordance with PART IV of the Registration of Deeds Act.”.

6. The Real Property Act is amended—

Chap. 56:02 amended

- (a) in section 2(1), by inserting after the definition “instrument” the following new definition:

““interest in land” means the lawful right as owner of land to hold the legal title to the land;”;

- (b) by inserting after the heading “PART V TRANSFERS AND OTHER DEALINGS” the following section:

“Contract to precede instrument for conveyance 61A. (1) On or after the commencement of the Miscellaneous Provisions (Registrar General, Registration of Deeds, Conveyancing and Law of Property, Real Property, Stamp Duty and Registration of Title to Land) Act, 2020, every instrument for the conveyance of an interest in land

shall be preceded by a contract for the sale or other disposition of that interest.

(2) A contract referred to in subsection (1) shall be in accordance with sections 15A, 15B and 15C of the Registration of Deeds Act.”;

(c) in section 62 by—

- (i) by renumbering section 62 as section 62(1);
- (ii) in section 62(1), as renumbered, by deleting the words “may execute” and substituting the words “shall execute”; and
- (iii) by inserting after section 62(1), as renumbered, the following subsections:

“(2) The Registrar General shall not accept a memorandum of transfer for registration unless it meets the requirements of sections 5, 5A to 5D, and PARTS IV and V of the Registration of Deeds Act.

(3) Every memorandum of transfer presented for registration shall be accompanied by a cover sheet, in duplicate, prepared by the Attorney-at-law presenting the Deed, containing the following particulars:

- (a) name of the Attorney-at-law who

prepared the memorandum;

- (b) date of the practising certificate of that Attorney-at-law;
- (c) address of the firm or chambers of that Attorney-at-law;
- (d) current certificate of title reference;
- (e) registered proprietor of the property to which the memorandum relates;
- (f) opposite party;
- (g) date of execution of the memorandum;
- (h) information on the authorized clerk; and
- (i) any other particulars which the Registrar General may require.

(4) The Registrar General shall place the information referred to in subsection (1) and contained in the cover sheet in the relevant index”;

- (d) in section 130, by deleting the words “Act or Ordinance” and substituting the words “written law”; and
- (e) by inserting after section 157, the following sections:

“ Providing false information to the Registrar General 157A. A person purporting to comply with this Act who knowingly provides false

information to the Registrar General commits an offence and is liable upon summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

Defence 157B. It is a defence in proceedings for an offence under this Act if the accused proves that he did not knowingly authorize, permit or acquiesce in the commission of the offence.

Limitation re. summary offences 157C. (1) Notwithstanding any written law prescribing a time within which proceedings may be brought before a Court of summary jurisdiction, proceedings for an offence under this Act may be instituted at any time within seven years from the commission of the offence or within eighteen months after the relevant date.

(2) In this section, the “relevant date” means the date on which evidence sufficient, in the opinion of the Registrar General, to justify the institution of summary proceedings comes to his knowledge.

(3) For the purpose of subsection (2), a certificate as to the date on which the evidence referred to in subsection (2), came to the knowledge of the Registrar General, shall be conclusive evidence of that fact.”.

7. The Stamp Duty Act is amended—

Chap. 76:01 amended

- (a) in section 16, by deleting the words “four hundred dollars” and substituting the words “twelve thousand dollars and to imprisonment for twelve months”; and
- (b) in section 82, by deleting the words “fifteen thousand dollars” and substituting the words “thirty thousand dollars”.

8. The Registration of Title to Lands Act is amended—

Act No. 16 of 2000
amended

- (a) in section 26 in subsection (2), by deleting all the words after the word “therein” and substituting the words “shall be by Deed in accordance with section 27 of the Registration of Deeds Act.”;
- (b) in section 35(b) by inserting after the word “or” the word “any”;
- (c) in section 55, by deleting subsection (2) and substituting the following new subsection:

“ (2) A Deed of trust shall be registered in accordance with the Registration of Deeds Act.”; and

- (d) in section 79, by deleting the word “a trust or” and substituting the word “an”.

Passed in the Senate this day of , 2020.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 2 of 2020

FIFTH SESSION
ELEVENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Registrar General Act, Chap. 19:03, the Registration of Deeds Act, Chap. 19:06, the Conveyancing and Law of Property Act, Chap. 56:01, the Real Property Act, Chap. 56:02, the Stamp Duty Act, Chap. 76:01 and the Registration of Title to Land Act, 2000

Received and read the

First time

Second time

Third time