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No. 14 of 2014

Fourth Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Registration of Deeds Act,
Chap. 19:06 and the Real Property Act, Chap. 56:02

THE MISCELLANEOUS AMENDMENTS (REGISTRATION
OF DEEDS AND REAL PROPERTY) BILL, 2014

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 Registration of Deeds Act, Chap. 19:06 and the Real Property Act, Chap. 56:02, to eliminate the requirements for the execution of a Deed or Certificate of Title to be proved by oath or statutory declaration before a Commissioner of Affidavit. The Bill would also impose penalties for falsely or fraudulently executing a Deed or Certificate of Title.

Clause 1 of the Bill would provide the short title of the Bill.

Clause 2(a), (b) and (c) of the Bill would amend the Registration of Deeds Act by removing the requirements for execution of deeds to be done by oath or solemn declaration.

Clause 2(d) seeks to insert two new sections to the Act which would provide firstly, for a penalty provision for persons who are found guilty of falsely or fraudulently executing any deed or instrument. Secondly, a new section is proposed which would provide that summary offences committed under this Act would be prosecuted in the name of the Registrar General before any court in Trinidad and Tobago having jurisdiction for similar offences.

Clause 3 of the Bill would amend the Real Property Act by repealing section 131 which provided for the attestation of instruments by affidavit and solemn declaration. This clause also seeks to increase the penalty provisions for a person who falsely or fraudulently commits any offence with respect to the Register Book or Certificates of Titles, etc. The clause also seeks to remove the word “misdemeanour” in sections 154 and 155 of the Act and replace it with the words “summary offence”.

BILL

AN ACT to amend the Registration of Deeds Act,
Chap. 19:06 and the Real Property Act, Chap. 56:02

[, 2014]

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

1. This Act may be cited as the Short title Miscellaneous
Amendments (Registration of Deeds and Real Property)
Act, 2014.

2. The Registration of Deeds Act is amended—

- (a) in section 5, by deleting the words “and unless the execution of it by every person who has executed it is proved upon the oath or solemn declaration of one of the witnesses attesting the execution” and substituting the words “and unless it is executed in the presence of one witness at least not being a party thereto and of a qualified functionary, and the signing 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) in section 7(1), by deleting paragraph (a);
- (c) in section 8, by deleting paragraph (a);
- (d) by inserting after section 21, the following sections:

“Fraudulent
acts

22. If any person fraudulently procures or assists in the fraudulently procuring of any deed or instrument, or knowingly misleads or deceives any person hereinbefore authorised to demand explanation or information in respect of any deed or instrument to be executed or registered under the provisions of this Act, such person shall be guilty of a summary offence, and shall be liable to a fine of one hundred and fifty thousand dollars or to imprisonment for five years.

Passed in the Senate this day of , 2014.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 14 of 2014

FOURTH SESSION
TENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Registration of
Deeds Act, Chap. 19:06 and the Real
Property Act, Chap. 56:02

Received and read the

First time

Second time

Third time
