



GOVERNMENT OF BARBADOS LAND REGISTRY



Making Barbados Work Better

WARRENS OFFICE COMPLEX, WARRENS, ST. MICHAEL, BB 2001 BARBADOS
TELEPHONE: 246-310-1100 / FAX No.: 246-425-1115
Email: Registrar@landregistry.gov.bb

Our Ref: LRI 90/6

Date : September 14, 2020

The President
Barbados Bar Association
"Leeton"
Perry Gap
Roebuck Street
ST. MICHAEL

Dear Madam

Re: Land (Title Deeds Restoration) Act, Cap. 229C

Reference is made to the captioned subject matter and to the Land Registry Notice to your offices bearing reference No. 1/2012 and dated 2012-01-27 (copy enclosed).

I shall be obliged if members of the Barbados Bar Association follow the guidelines set out in the said Notice and herein when applying for the Restoration of Title Deeds. This will minimise errors in documents submitted to the Land Registry and consequently assist in matters being expedited.

The guidelines are as follows:

1. Application

- Before making the application, verify the registration status of the parcel. If the parcel is registered, a different procedure under the **Land Registration Act, Cap. 229** applies.
- Applications should be made by the fee simple owner in accordance with **section 3 (1) of the Land (Title Deeds Restoration) Act, Cap. 229C**. Where the person making the Application is not the fee simple owner, he/she must state the capacity in which he/she acts for the fee simple owner (e.g. personal representative or power of attorney).
- Where there is more than one (1) fee simple owner, the applicant should have the written consent of the other owner(s) to make the Application.
- The description of the property in the heading of the application should correspond to the description in the document to be restored. If the description has changed, a copy of the plan should be submitted evidencing the change.

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2. Affidavit(s) in Support

- Where the person making the Application is not the fee simple owner, documentary evidence of his/ her capacity to act must be exhibited (e.g. letters of administration/ letters testamentary, power of attorney). Other supporting documents such as death certificates, certificates of incorporation and notice of directors and any other documents that the Registrar deems necessary must be exhibited in the Affidavit.
- The Affidavit of the fee simple owner must indicate the circumstances surrounding the loss of the title deeds. If the title deeds were lost while in the possession of a person other than the fee simple owner (e.g. a family member, an attorney-at-law or a financial institution) the Affidavit of that other person must accompany the Application and Affidavit of the fee simple owner.
- Certified copies of the document(s) to be restored must be exhibited to the Affidavit.
- Where there is more than one (1) fee simple owner, Affidavits from the other owner(s) stating that the documents being restored are not in their possession should also be supplied.
- Where an Affidavit is being sworn before a person who by reason of his/ her office is a Justice of the Peace, it should be ascertained that the person still holds the office and that his/her instruments of appointment are valid.
- The Applicant should include in his/her Affidavit clauses:
 - i. Agreeing to indemnify the Registrar against claim or suit from a third party claiming they suffered loss or damage by reason of the action of the Registrar of Titles granting the application.
 - ii. Undertaking to surrender the original title deeds to the Registrar of Titles for destruction if same are found after the title deeds are restored pursuant to **section 5B of the Land (Title Deeds Restoration) Act, Cap. 229C** as amended by the Third Schedule of the **Land (Title Proceedings) Act, 2011-7**.
 - iii. Disclosing that there are no liens, mortgages or other encumbrances affecting the property.

3. Affidavit of Advertisements

- Following the recording of the application, notice of the application must be advertised twice in at least two (2) newspapers having a wide circulation at approximately fourteen (14) day intervals. The advertisement should provide the public with at least six (6) weeks clear notice of the application, starting from the date of the first publication in the newspaper. The original advertisements and clear copies of the same should form part of the Affidavit.

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4. Certificates

The form of Certificate of Restoration of Title Deed should follow the specimen Certificate of Restoration as set out in the abovementioned Notice.

We hope that the foregoing will further clarify the procedure for applying for the restoration of title deeds. As such, preliminary approval of the Applications by the Registrar, will no longer be entertained.

Please be reminded that the correction of errors attract a fee of twenty-nine dollars (\$29.00) and \$4.00 for every additional page inserted.

Please be guided accordingly.

Yours faithfully,



MICHELLE J. JOHNSON
Registrar of Titles

MJJ/sc

LAND REGISTRY NOTICE

Land (Title Deeds Restoration) Act, Cap. 229C.

TO: ALL MEMBERS OF THE BAR

On March 10, 2011, the **Land (Title Proceedings Act)**, 2011-7 came into operation. By the Third Schedule of that Act, the **Land (Title Deeds Restoration) Act**, Cap. 229C was amended to, *inter alia*, expand the circumstances under which the Registrar of Titles may order Title Deeds restored. Title Deeds may now be restored if they are lost, stolen, or destroyed or damaged, whether by disaster or otherwise. "Lost" means misplacement by the owner himself, or "through misplacement, concealment or unreasonable withholding by another."

The Land Registry now takes this opportunity to advise Members of the Bar of the following revision to its form of application for restoration of deeds, consequent upon the recent amendments to the **Land (Title Deeds Restoration) Act**, Cap. 229C. This revised procedure will take effect from **March 1, 2012**.

We express appreciation to those Members who offered comments on this revised form. We found them very useful.

Revised Form of Application for the Restoration of Title Deeds destroyed or damaged by disaster or otherwise, lost or stolen

Summary of documents to be provided

- a) Recorded Application with attached certified copies of Deeds to be restored;
- b) Recorded Affidavit of Applicant setting out circumstances;
- c) Recorded Affidavit of any other relevant witness, if applicable;
- d) Notice of Application published in two (2) newspapers having a wide circulation;
- e) Recorded Affidavit certifying publication of Notice of Application in the newspapers and the results thereof;
- f) Certificate of Restoration.

1. The Application, which includes a **certified** copy of the Deeds to be restored, must be recorded with the cashier in the normal way. Preliminary approval of the Application by the Registrar is no longer necessary. A duplicate of the deed sought to be restored must also be left with the Registrar. This will be bound up in the Certificate of Restoration and returned to the successful applicant on completion of proceedings. Specimen forms of the Application accompany this Notice.

2. The Application should normally be supported by sufficient Affidavit evidence establishing that the title deeds sought to be restored have in fact been lost or stolen or damaged by disaster or otherwise, as the case may be. This will usually, but not always, involve at least two Affidavits: one from the applicant and the other providing supporting evidence. **The Affidavits must disclose the full dealings with the land since acquisition.** Affidavits must attach any relevant exhibits.
3. If the title deeds are alleged to be lost or stolen, the Affidavit must also indicate the nature of all the searches made for them, whether by or behalf of the applicant. All Affidavits should also be recorded with the cashier.
4. In their Affidavits, applicants should also undertake to surrender the original deeds to the Registrar should those deeds ever return to the applicant's custody.
5. Following recording of the Application, Notice of the Application must be advertised twice in at least two (2) newspapers having a wide circulation at approximately 14-day intervals. The advertisement should provide the public with at least six (6) weeks' clear notice of the Application, starting from the date of the first publication in the newspapers. A specimen form of the advertisement also accompanies this Notice.
6. After the six-week period has elapsed, two originals of the Certificate(s) of Restoration should be engrossed on A4 sized parchment and returned to the Land Registry, along with an Affidavit verifying publication of the advertisements in the Press and indicating the results thereof. A copy of the advertisement should be attached to this Affidavit. A separate Certificate must be prepared for every deed sought to be restored.
7. To assist in determining the application, the Registrar may convene a formal hearing where necessary, particularly where the applicant alleges that the Deeds are stolen or are being concealed or unreasonably withheld by some person.
8. The Applicant is encouraged to record the Certificate(s) at the Land Registry as soon as possible after restoration. A specimen form of the Certificate of Restoration accompanies this Notice.
9. All documents submitted in support of the Application, should be supplied on A4 sized paper and must be recorded with the cashier.
10. Except for recording fees, no fee is presently payable to the Land Registry for restoration of title deeds.

TIMOTHY O. MAYNARD
REGISTRAR OF TITLES
2012-01-27

SPECIMEN APPLICATION TO RESTORE TITLE DEED

BARBADOS

LAND (TITLE DEEDS RESTORATION) ACT CAP 229C
(Section 3)

IN THE MATTER OF the
Restoration of Title Deeds to
land situate at [Lot 40
Trafalgar Square, St.
Michael], containing by
admeasurement 2000 square
feet

RESTORATION OF TITLE DEEDS DESTROYED BY DISASTER
OR OTHERWISE, OR LOST OR STOLEN

TO: THE REGISTRAR OF TITLES

I/WE, *[Name of fee simple owner]*, of *[Address of fee simple owner]* HEREBY APPLY for the Restoration of the following Title Deed(s) which was/were *[state short reason for unavailability of original deed, e.g. "is being unreasonably withheld from my lawful custody."*

(a) *[Describe the type of Deed, date and recording particulars, names of the parties thereto and a full description of the property];*
(b) ...
2. Certified true copies of the said Title Deeds are submitted with this Application along with the Affidavits or BC, DE (and FG) of *[addresses]*
3. I/WE am the fee simple owner of the property, the subject matter of this Application.

Dated this _____ day of _____ 2012

Applicant

SPECIMEN ADVERTISEMENT

BARBADOS

APPLICATION NO: *[Provided by Land Registry on recording of Application]*

LAND (TITLE DEEDS RESTORATION) ACT CAP 229C
(Section 3)

**RESTORATION OF TITLE DEEDS DESTROYED BY DISASTER
OR OTHERWISE, OR LOST OR STOLEN**

TAKE NOTICE that an Application has been made to the Registrar of Titles by *[Name of fee simple owner]* e.g. AB of *[Address of fee simple owner]* for the Restoration of the Title Deed(s) to *[Location of property e.g. Lot 1 Kingsland, Christ Church]* (more particularly described in the Schedule hereto) on the grounds that the Original Title Deed(s) to the property has/have been *[state short reason for unavailability of original deed, e.g. stolen from my home at 123 Restoration Drive, St. Michael]* on the 16th day of July, 2013.

ALSO TAKE NOTICE that unless notification is received at the Land Registry, "Warrens Office Complex, Warrens, Saint Michael by *insert a date six (6) weeks from date of Notice e.g. March 23, 2012*" that the Title Deeds have not been *stolen, lost etc.* or are being lawfully held by some other person, the Registrar of Titles shall immediately proceed to determine the said Application according to law.

SCHEDULE

1. *(Briefly, but sufficient to clearly describe the property. Abutments not necessary)*
2. *The Title Deeds to be restored are:*

(a) Conveyance dated day of between (1) and (2) and
recorded on day of 1838 in Volume 434 of Deeds at
Page 23 as Deed No. 1989

DRAFT

SPECIMEN CERTIFICATE OF RESTORATION

BARBADOS

LAND (TITLE DEEDS RESTORATION) ACT CAP 229C (Section 4)

**IN THE MATTER OF the
TITLE to land situate at Lot
40 Trafalgar Square, St.
Michael, containing by
admeasurement 2000 square
feet**

CERTIFICATE OF RESTORATION OF TITLE DEED

UPON Application No. of 2011 for the Restoration of Title Deeds made by
[Name of fee simple owner] of in the Parish of on the
and recorded at the Land Registry of Barbados on the
day of, 2011.

AND BEING SATISFIED that the Original of the *[state nature of deed,
e.g., Conveyance or Mortgage]* dated the day of 20, and
made Between of the One Part and of the Other
Part and recorded at the Land Registry of Barbados on the day
of as Deed No. of was *[state nature of loss
e.g. destroyed by fire, stolen... at in the City of Bridgetown in the
parish of Saint Michael in this Island on the day of , 2012]*.

I, **TIMOTHY O'NEAL MAYNARD**, Registrar of Titles do hereby
ORDER that **THE CERTIFIED COPY** of the said Title Deed attached
with and to this Certificate is hereby **RESTORED** in the place and stead of
the said destroyed Original and shall have full legal effect for any purpose
under any enactment or rule of law in force in this Island pursuant to Section
6 of the **Land (Title Deeds Restoration) Act Cap 229C** of the Laws of
Barbados.

Dated this day of 2011

REGISTRAR OF TITLES