



Secretariat Unit

Bill Essentials

The Miscellaneous Amendments (Registration
of Deeds and Real Property) (No.2) Bill, 2014

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

Bill no: HOR Bill 20 of 2014

Introduced in: The House of Representatives

Introduced on: August 4, 2014

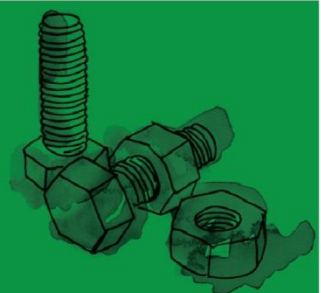


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BACKGROUND

The Miscellaneous Amendments (Registration of Deeds and Real Property) (No.2) Bill, 2014 was introduced and read for a first time in the House of Representatives on Monday 4th, August 2014.

Purpose of the Bill

The Bill seeks to amend the Registration of Deeds Act, Chap. 19:06 and the Real Property Act, Chap. 56:02 to eliminate the requirement 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.

Key Features of the Proposed Legislation

The Bill will *inter alia* seek to:

1. amend the Registration of Deeds Act by removing the requirement for the execution of deeds to be done by oath or solemn declaration;
2. insert two new sections after section 21, which would provide for the provision of a penalty for persons who are found guilty of falsely or fraudulently executing any deed or instrument;
3. provide for summary offences committed under the Act to be prosecuted in the name of the Registrar General before any Court in Trinidad and Tobago having jurisdiction for similar offences;
4. amend the Real Property Act by repealing section 131 and increase the prescribed penalty for any person who falsely or fraudulently commits any offence with respect to the Register Book or Certificates of Title; and

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5. remove the word “misdemeanour” in sections 154 and 155 of the Real Property Act, and replace it with “summary offence”.

CONSIDERATIONS

- The Bill removes the requirement for the execution of deeds to be done by oath or solemn declaration.
- The Bill provides penalties for any fraud committed in relation to any instrument required to be registered under the provisions of the Registration of Deeds Act.
- The Bill provides penalties for any fraud committed with respect to the Register Book, Certificates of Title, or any instrument issued by the Registrar General.

COMPARATIVE LEGISLATION IN OTHER JURISDICTIONS

Country	Legislation	Remarks
Singapore	Registration of Deeds Act, Chap. 269. ¹	<p>Section 27 makes provision for offences and penalties for any person who :</p> <ul style="list-style-type: none"> - intentionally makes any false statement, whether on oath or not, before an officer acting in the execution of this Act; -fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procuring of any instrument, or any entry in, any alteration or erasure of, or any addition to, in any register or record kept at the Registry; -intentionally delivers to a registering officer a false document; -knowingly misleads or deceives any person authorised by this Act to demand an explanation or any information with respect to any land, or the title to any land with respect to any instrument registered or provisionally registered; -falsely impersonates another and in that assumed character presents any document or makes any statement or does any other act for the purposes of this Act; -fraudulently removes from the Registry any part of the records or any instrument kept at the Registry or causes any defacement, obliteration, mutilation or unauthorised entry or alteration to be made thereto; or -abets the commission of an offence under this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to

¹ Registration of Deeds Act. Singapore.

<http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=CompId%3Ac6109b8d-21cf-44e3-b6d7-f99f56d7ce5f;rec=0;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Faol%2Fbrowse%2FtitleResults.w3p%3Bletter%3DR%3Btype%3DactsAll>

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		imprisonment for a term not exceeding 3 years or to both
New Zealand	Property Law Act, 2007. ²	Section 9 (2) provides that a deed is executed if an individual signs it and said signature is witnessed by another individual.
Kenya	Land Registration Act, 2012. ³	<p>Section 44(2) provides that the execution of any instrument effecting any disposition under the Act shall consist of appending a person’s signature on it or affixing the thumbprint or other mark as evidence of personal acceptance of that instrument.</p> <p>Section 44(3) provides that execution by a body corporate, association, co-operative society or any other association shall be effected in the presence of an advocate of the High Court of Kenya, a magistrate, judge or notary public.</p> <p>Section 103 provides that a person who</p> <p>(c) fraudulently procures –</p> <ul style="list-style-type: none"> (i) the registration or issue of any certificate of ownership or any other document or instrument relating to land; (ii) the making of a entry or the endorsement of a matter on a document or instrument referred to in subparagraph (i) or; <p>(d) fraudulently alters, adds to, erases, defaces, mutilates or destroys any document or instrument relating to land or any entry on or endorsement of any such document [...]</p> <p>commits an offence and is liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding five years or to both such fine and imprisonment.</p>

² Property Law Act, 2007. <http://www.legislation.govt.nz/act/public/2007/0091/latest/DLM968962.html>

³ Land Registration Act. Kenya. <http://faolex.fao.org/docs/pdf/ken112133.pdf>

REFERENCE MATERIAL

Registration of Deeds Act Chap. 19:06

http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/19.06.pdf

Real Property Act Chap. 56:02

http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/56.02.pdf

Land Registration Act. Kenya.

<http://faolex.fao.org/docs/pdf/ken112133.pdf>

Property Law Act, 2007. New Zealand.

<http://www.legislation.govt.nz/act/public/2007/0091/latest/DLM968962.html>

Registration of Deeds Act. Singapore.

<http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=Compld%3Ac6109b8d->

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[f99f56d7ce5f;rec=0;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Ffaol%2Fbrowse%2FtitleResul](http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=Compld%3Ac6109b8d-f99f56d7ce5f;rec=0;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Ffaol%2Fbrowse%2FtitleResul)

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