

THE PUBLIC RECORDER (AMENDMENT) LAW, 1967

MEMORANDUM OF OBJECTS AND REASONS

Cap. 334. Record of Deeds, Wills and Letters Patent Law (Jamaica) the object of which was to prevent fraud and facilitate evidential proof of documents, was inadvertently repealed. The provisions of this Law seeks therefore to replace those portions of the Law which will be useful and necessary in these Islands.

CAYMAN ISLANDS

LAW 41 of 1967

I assent,

(L.S.)

J.A. CUMBER
Administrator

30th December, 1967

A Law to amend The Public Recorder Law.

(Cap. 143)

Enacted by the Legislature of the Cayman Islands.

1. This Law may be cited as the Public Recorder (Amendment) Law 1967, and shall be read and construed as one with the Public Recorder Law (hereinafter called the principal law) and all amendments thereto, and shall come into operation on a day to be appointed by the Administrator by Government Notice published in the Cayman Islands.
2. In this Law-
"Public records" includes all rolls, writs, books, proceedings, Laws, decrees, wills, warrants, accounts, papers and documents of any kind of a public nature, deposited in any of the offices mentioned in the schedule to this Law;

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Interpre-
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“registered deeds and writings” includes all deeds, wills, conveyances, charters, bonds, bills of sales, patents, certificates, letters patent, specifications, petitions, disclaimers, memoranda, powers of attorney, accounts, inventories, maps, plans and all other instruments and writings whatever, which before or after the commencement of this Law in any of the offices mentioned in the schedule to this Law are recorded, registered or otherwise of record;

“registers” includes all records and enrolments of registered deeds and writings in any of the offices mentioned in the schedule to this Law;

“records” includes both Public Records and registered deeds and writings, as defined by this section and also transcripts of the same contained in any register book;

“register book” includes any book or volume in any of the offices mentioned in the schedule to this Law containing records, as well as any transcript made or to be made of any such book;

“transcribe” and “transcript” includes print and printed or photographic copy;

“indices” includes all indices, abstract books and catalogues relating to Public Records, registered deeds and writings or registers in any of the offices mentioned in the schedule to this Law.

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3. Sections 2, 3, 4, 5 and 6 of the principal Law are hereby amended by renumbering these sections as sections 3, 4, 5, 6 and 7 respectively.

4. The principal law is hereby amended by adding thereto the following as sections 8, 9, 10, 11, 12, 13 and 14 respectively:-

Deeds recorded within 3 months after execution valid to pass the freehold without delivery etc.

“8. (1) A deed made in due form of Law and within three months after the date thereof acknowledged by the party or parties that grant the same or proved by the oath of one sufficient witness or more in accordance with Law, and recorded at length in any of the offices mentioned in the schedule to this Law within the said three months shall be valid to pass the freehold without livery, seisin,

attornment or other act or ceremony in the Law whatsoever.

(2) No deed made from and after the passing of this Law without such acknowledgement or proof and recording, shall be sufficient to pass away any freehold or inheritance or to grant any lease for above the space of three years.

9. (1) Every deed which shall be made or executed within these Islands for any estate or interest in land whatsoever shall be duly proved or acknowledged and recorded within ninety days after the date thereof, otherwise to stand void and of no effect against all other purchasers or mortgagees bona fide for valuable consideration as aforesaid:

Deeds made outside these Islands to be recorded within 90 days.

Provided always that in the case of every deed, whether made or executed, in or out of these Islands, if a purchaser or mortgagee of any estate or interest in land shall omit to prove and record his deed within the time and pursuant to the manner prescribed by this Law, but shall at any time afterwards do the same, no subsequent conveyance or mortgage being made by the first vendor or mortgagor, his personal representatives or assigns, the same shall nevertheless be good to the said purchaser or mortgagee or personal representatives, and a perpetual bar against the first vendor, or mortgagor and his personal representatives, anything in this Law or any other, to the contrary notwithstanding.

10. All patents granted after the year 1681 and enrolled within six months after the sealing of such patents, as likewise all such patents as are already there enrolled shall be good and valid in law notwithstanding any clause inserted in the said patent directing the contrary.

Sealing.

11. Subject to the provisions of this Law, the records of any letters patent, enrolled and the records of any deed duly executed and proved or acknowledged and recorded in accordance with the provisions of this Law, and the record of any last will and testament duly executed according to law and proved shall at all times, whether before or after the commencement of this Law

Records to be sufficient evidence.

be deemed sufficient evidence of the several persons' titles to any estate or interest in land claimed thereunder, and the same shall be read and allowed in every Court within these Islands as if the original patent, deed, conveyance or will were actually produced, proved and read in all and every the same Courts.

Mortgagees having been paid to enter satisfaction.

12. Any mortgagee of any lands, tenements, real or personal estates whatsoever, within these Islands having received full satisfaction and payment of all such sum and sums of money as are really due to him by such mortgagor, shall at the request of the mortgagor, enter satisfaction upon the margin of such mortgage, recorded or to be recorder in the Office of the Public Recorder which shall forever hereafter discharge, defeat and release the same, and shall likewise perpetually bar all actions brought or to be brought thereupon in any court of record within these Islands; and if such mortgagee shall not, within three months after request and tender made for his reasonable charges, repair to the office of the Public Recorder or other proper office and there make such acknowledgement as aforesaid, he, she, or they so refusing shall, for every such offence, forfeit and pay unto the party or parties aggrieved the sum of fifty pounds, to be recovered in any Court of record within these Islands.

Penalty on persons selling etc. the same land twice over.

13. If any vendor or mortgagor of lands, tenements, or hereditaments within these Islands shall presume to execute a second or other deed of conveyance or sale of the same lands, tenements or hereditaments other than to the first vendee of such lands, tenements or hereditaments, or a second or other deed of mortgage without having taken notice in the said deed of mortgage of the first or prior mortgage or mortgages with which the said lands, tenements, or hereditaments stand charged at the time of executing the said deed, all and every person and persons so offending shall be tried and punished and subject to like forfeitures and penalties, as by the Laws of that part of Great Britain called England is provided against all such persons as shall execute deeds of mortgage without taking notice of all prior mortgages made.

14. All persons interested in making searches in the office of the Public Recorder shall be at liberty to search and examine at such times as may be notified by Government Notice the Public Records, and the registers and the indices in the office, and to take abstracts or other short notes of any matters in the same, and to inspect in the presence of some person belonging to the office any original registered deed or writing to which reference is obtained in such searches."

Searches in Office of Public Recorder.

SCHEDULE

1. Offices of the Administrator.
2. Office of the Public Recorder.
3. Office of the Clerk of the Courts and Coroner.
4. Office of the Registrar of Lands.

Passed the Assembly this 7th day of December, 1967.

J.A. CUMBER

President

SYBIL McLAUGHLIN

Clerk of the Legislative Assembly.

Government Notice No. 153 of 1967.

Date of operation: 2nd January, 1968.