



**GOVERNMENT OF BARBADOS  
LAND REGISTRY**



**WARRENS OFFICE COMPLEX, WARRENS, ST. MICHAEL, BB 12001 BARBADOS**  
**TELEPHONE: 246-536-5540**

**Email: [Registrar@landregistry.gov.bb](mailto:Registrar@landregistry.gov.bb)**

**Our Ref: LR/90/6**

**Date: April 14, 2022**

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

Dear Madam

**Re: Conducting Business at the Land Registry**

Please see below, some useful guidance on conducting business at the Land Registry Department.

**DEALINGS UNDER THE LAND REGISTRATION ACT, CAP. 229**

**Lost Documents or Lost Certificates**

After a parcel has been declared under the Act, all previous title deeds must be deposited at the Land Registry. In a circumstance where these deeds cannot be located by the proprietor, the Application for a Certificate should be amended to state that the Application is being made notwithstanding the previous title deeds have been lost or destroyed. The Application should either be accompanied by an Affidavit in Support or have a Statutory Declaration annexed. The Affidavit/Statutory Declaration should detail the circumstance surrounding the loss or destruction of the title deeds and the searches undertaken to locate these documents (where lost).

In a circumstance where the Land Registry previously issued a Certificate which cannot be located by the proprietor or interested party, an Application for the Issue of a new Certificate (LR 6) should be filed. This Application makes provision for a Statutory Declaration to be completed which details the loss of the Certificate and the searches undertaken to locate the same.

Advertisements are required for applications to issue replacement Certificates of Title. Two advertisements in a daily newspaper are required with the second advertisement being published fourteen (14) days after the publication of the first advertisement. There is no requirement to advertise for replacement Certificates of Charge.

April 14, 2022

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### **Plans and Boundaries Certificates**

All plans required for parcels registered under the Land Registration Act must be recorded at the Lands and Surveys Department and must comply with section 10 of the Land Boundaries Act Cap. 228B and Regulation 9 of the Land Boundaries (Land Survey) Regulations, 1993.

No transfer of land can be registered under the Act unless an original plan for the parcel is on file. Copies of plans will not be accepted.

### **Searches**

Before any dealings in land are commenced, Attorneys-at-Law are encouraged to investigate at the Land Registry whether a parcel of land is located within a Registration District or was declared as a sporadic registration. The latest land tax bill, the name of the current owner and a copy of the lot plan should be produced to the Registration Section of the Land Registry Department to facilitate this investigation, whether in person or via e-mail. This investigation will indicate whether documents are required to be completed under the Land Registration system or under the common law system. Where documents have been prepared under the common law system for a registered parcel, the Land Registry will issue a Form L.R 11 which gives the attorney a specific time frame to submit the correct document.

Information in respect to registered parcels can be obtained from the Land Registry Department for a prescribed fee. This information can be accessed by inspecting the Registry Map, any filed instrument; by obtaining certified copies of folios, a part of the Registry Map or any instrument filed; or by requesting an official search. These searches are facilitated by section 38(1) of the Act and the appropriate form must be registered in order to access these documents.

### **Transfer by Personal Representative**

On submission of a form L.R. 35 "*Transfer by Personal Representative to Person Entitled Under a Will or on an Intestacy*" for assessment, certified copies of the Letters Testamentary or Letters of Administration must be annexed. Additionally, in a circumstance where the Deceased left a will, a certified copy of the probated will must also be annexed.

Where the parcel is being transferred under an intestacy, it is required that a certified copy of the Affidavit in Support which was filed at the Supreme Court Registry be produced. This Affidavit should detail the persons entitled to the estate of the deceased and will allow the officers at the Land Registry to accurately calculate any taxes and duties on the transfer.

These requirements extend to circumstances where the Personal Representative is transferring the parcel to an independent person.

April 14, 2022

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### **Transfer by Power of Sale**

According to the Act, a transfer by a Chargee executing their power of sale must be registered at the Land Registry within 14 days of the date of the transfer.

Where more than 14 days have elapsed and the transfer has not been registered, an application can be made to the High Court of Barbados which extends the time allowed for the registration of the specific document. A certified copy of the filed order of the High Court must be presented on the registration of the Transfer.

### **Assessment of Registration Documents**

Prior to the submission of documents to the Assistant Registrar, all documents relating to registered parcels must be presented to the Registration section to be checked and assessed to ensure they are in keeping with the provisions of the Act and its attendant Regulations. These documents must be accompanied by the latest land tax bill in order to facilitate the calculation of the registration fees.

### **Registration and/or Withdrawal of Caution**

In order to claim certain interests in a parcel of land which falls under the Act, a person can lodge a caution with the Registrar. This action restricts the dispositions allowed to be registered against the parcel. An application for "*Registration of Caution*" (L.R. 36) must be lodged along with a Notice of Registration of Caution (L.R. 37) addressed to the proprietor(s) of the parcel. The Application for the Registration of a Caution must specify the interest being claimed, be supported by a statutory declaration and must be accompanied, where applicable, by the instrument which gives the person registering the caution the right to file the same. A Certificate reflecting the Caution will be issued and the Registrar will issue the signed Notice to the proprietor of the parcel. On conclusion of the matter, an "*Application to Withdraw Caution*" (L.R. 38) is to be made and the Certificate containing the entry for the caution must be returned to the Land Registry.

### **Bail Applications**

Where a registered parcel is being used as security for bail in the Supreme Court, the application for the Registration of a Caution must be signed by the Registrar of the Supreme Court. Before a Certificate is issued by the Land Registry, the first Registration Fee must be paid and all original documents inclusive of the Lot Plan are to be submitted to the Land Registry Department.

Where there is a charge against the parcel, permission must be obtained from the Chargee or a Discharge of Charge must be registered before the Caution in favour of the Registrar of the Supreme Court can be added to the Register.

April 14, 2022

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Where the parcel is owned by more than one proprietor, the permission of the proprietor(s) who have not been named as the surety for the accused must be filed.

The initial request being made by the Registrar of the Supreme Court to determine whether a parcel is registered should be accompanied by the most recent land tax bill.

### **Correction of Errors**

The fee for correction of an error in a registered document is \$50.00. A letter must be submitted to the Registrar of Titles requesting permission to make a correction. The letter should state the proposed change, how the change will be made, and who will be making the change. However, where the correction has been requested by the Registrar of Titles or his/her representative, a letter is only required if the attorney-at-law is not personally making the correction.

### **Certificates**

On submission of an instrument to the Land Registry for Registration, any obsolete certificates previously issued by the Land Registry should be surrendered and an application made for a new certificate.

In all dealings with registered land, the onus is on the Proprietor to ensure that all original title deeds are submitted to the Land Registry and the First Registration fees have been paid before a Certificate can be issued.

In a circumstance where a parcel has more than one proprietor, the Land Registry requires written documentation from all of the proprietors as to who shall receive the certificate. The signatures must be witnessed by an Attorney-at-Law, Justice of the Peace or Notary Public.

A certificate will not be issued in a circumstance where there is more than one proprietor unless a document has been registered which specifies whether the proprietors hold jointly or in common. In a circumstance where the proprietors hold in common, the share of each proprietor must be specified.

### **Unregistered Parcels located in a Registration District**

There are some parcels located within a Registration District which have not been declared by the Commissioners of Title. In such a circumstance, the documents completed must be in the common law format. However, notice under section 17(4) of the Land (Adjudication of Rights and Interests) Act must be completed and forwarded to the Commissioners of Title before the Land Registry will proceed to record any documents affecting such a parcel. Proof of service of this Notice must be presented to the Land Registry on recording of the document(s).

April 14, 2022

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## **OTHERS ISSUES**

### **Adjudication of Documents**

All documents being recorded at the Land Registry must be presented to a Registrar for adjudication. Only original documents are adjudicated. Appointments with a Registrar for the adjudication of documents may be made by speaking to the receptionist on calling the PBX of the Land Registry Department.

Where a Conveyance is being adjudicated, the Conveyance, Section 12A form, Change of Ownership form, Certificate of Payment of Land Tax, the Certificate of Location issued by Barbados Revenue Authority and the most recent land tax bill must be produced to the Registrar responsible for adjudicating the documents. Where a party to the transaction is resident outside of Barbados, a TR Form with an original signature must be a part of the instrument. The TR Form should be dated and stamped by the Exchange Control Authority before the date of the Conveyance.

These documents must also be produced where an Assent is being recorded (with the exception of the Section 12A form). Additionally, in the case of an Assent or the sale of a parcel of land by the duly appointed Personal Representative of an estate, certified copies of the Letters Testamentary or Letters of Administration must also be produced. In a circumstance where the Deceased left a will, a certified copy of the probated will must be produced.

In order to calculate the taxes and duties due on an instrument being recorded or registered at the Land Registry, the consideration should be stated in Barbados currency. Where a transaction has occurred and Barbadian currency has not been exchanged, the equivalent in sum in Barbadian currency should be stated in the body of the Instrument or the exchange rate at the date of the transaction should be identified.

For a Deed of Gift, the Property Transfer Tax is calculated on the value of the property as indicated in the most recent land tax bill issued from the Barbados Revenue Authority. Additionally, where the consideration as stated in a Conveyance is less than the value as indicated on the land tax bill, the value on the land tax bill is used to calculate the relevant taxes. The Land Registry uses the value of the property as assessed by the Valuation Section of the Barbados Revenue Authority and not private valuation agencies.

### **Restoration of Title Deeds**

Before commencing an Application for the Restoration of Title Deeds, the Applicant should verify that the parcel affected has not been registered under the Land Registration Act. The restoration process does not apply to registered parcels.

April 14, 2022

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Additionally, the Applicant should verify that the deed(s) being restored have/has been collected from the Land Registry. The Land Registry has a database containing over 5,800 recorded documents which have not been collected and which remain in the Land Registry's possession.

### **Company Charges**

Company Charges, according to Section 237 (1A) of the Companies Act, Cap. 308 of the Laws of Barbados must be recorded at the Land Registry within 28 days after the creation of the charge which affects land owned by the company. Each Company Charge must be presented to the Land Registry with two Certificates of Registration and a Statutory Declaration. In a circumstance where the Company Charge is not received by the Land Registry within the required 28 days, an application must be made to the High Court of Barbados for an extension of time to record the Charge. A certified copy of the court order should be produced on recording the Charge which must also be referenced in the Certificate of Registration.

All dates in the body of the Company Charge, Statutory Declaration and the Certificate of Registration should be entered.

The Statutory Declaration must be signed by one of the witnesses to the execution of the Company Charge before a Justice of a Peace.

The information contained in the Certificate of Registration should correspond with that contained within the Company Charge (Company name, amount stamped, Company number, date).

The Company Charge must have the adjudicated page as well as the original stamp of receipt from the Corporate Affairs and Intellectual Property Office confirming its submission there.

Any amendments to these documents after their submission at the Corporate Affairs and Intellectual Property Office will attract the prescribed fee.

Company Charges will now require a recording slip on production to the cashier indicating the number of pages in the document and the name of the attorney to whom Charge should be returned after lodging.

### **Calculation of Property Transfer Tax on a Part Share**

Where a property (consisting of land with a dwelling-house or other building constructed thereon) is being transferred, \$150,000.00 is deducted from the total value of the property. Property transfer tax, at the rate of 2.5%, is calculated on the balance.

Page 7

April 14, 2022

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Barbados Bar Association

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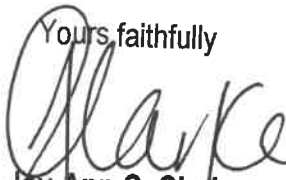
Where a part share of a property is being transferred, the sum of \$150,000.00 is deducted from the total value of the property. The balance is thereafter divided by the share being transferred and property transfer tax is calculated.

#### **Production of Evidence before Registrar**

Any evidence to be submitted to the Registrar of Titles must be done by Affidavit which has been signed by the Applicant. Information to address queries will **not** be accepted by letter. Any Certificates (Birth, Marriage or Death) and original/certified copies of Letters Testamentary, Letters of Administration or wills should have a backing sheet affixed and be recorded or registered at the Land Registry. A certified copy of the recorded document should thereafter be placed on the file. Where the filed document relates to a registered parcel, the parcel number should be identified on the backing sheet. Death Certificates should be issued by a Government Department. Proof of Death Certificates which have been issued by a funeral home are not acceptable.

#### **Cheques in the Mail**

The Land Registry Department does not accept payments by cheque in the mail either through the Barbados Postal Service or by hand delivery. All payments are to be made directly to the cashier.

Yours faithfully  
  
Joy-Ann C. Clarke  
Registrar of Titles (Ag.)

J-ACC/jcb