



GOVERNMENT OF BARBADOS LAND REGISTRY



Making Barbados Work Better

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Our Ref: LR/90/6

Date: October 26, 2022

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

Dear Madam

SUBJECT: Powers of Registrar of Titles under Section 25 of the Land Registration Act, CAP. 229 of the Laws of Barbados

Kindly be reminded that the Land Registry Department, in conjunction with the Lands and Surveys Department, is responsible for the management of the registration system for land titling in Barbados.

Section 25 of the **Land Registration Act** states as follows;

25. (1) *Where contiguous parcels of land are owned by different proprietors, the Registrar may, on the application of those proprietors and with the consent in writing of a caveator or any person in whose name any right or interest in the land is registered, subdivide or alter the boundaries of those parcels.*
- (2) *A subdivision or alteration under subsection (1) shall be effected by means of a mutation record, a cancellation of the relevant folio and the preparation of a new folio.*
- (3) *Where an alteration of contiguous parcels involves substantial changes in ownership, the Registrar may refuse an application under subsection (1).*
- (4) *A subdivision under this section operates to vest the parcels in the persons in whose names they are registered.*
- (5) *Nothing shall be done under this section or section 24 which is inconsistent with this Act or any other enactment to which any provision of this Act is subject, that is to say,*
(a) no parcel which is subject to a lease may be subdivided so as to subdivide the land comprised in the lease; and

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*(b) where a proprietor is authorized to subdivide his parcel for the purposes of development, the Registrar shall require him to submit a plan of the proposed subdivision prepared by a surveyor licenced under the **Land Surveyors Act**, and certified by the competent authority as conforming with the requirements of the **Town and Country Planning Act**.*

In line with the provisions of this section, the Lands and Surveys Department and the Land Registry have developed the following procedure to be followed for applications received under this section of the *Land Registration Act*. To date, this procedure extends to applications for minor amendments to the boundaries of declared parcels, such as where there exist small encroachments by fences, steps, etc. This section therefore, does not allow for Registrar of Titles to approve 'development' as defined by the Planning and Development Act, 2019 which governs the Planning and Development Department formerly known as the Town and Country Development Planning Office.

Procedure

1. The Land Surveyor hired by the proprietors of the contiguous parcels should engage the Lands and Surveys Department and advise the Chief Surveyor of the prospective application to be made under section 25 of the Land Registration Act.
2. The Land Surveyor shall prepare a sketch showing the proposed alteration of the boundary.
3. The sketch shall be submitted to the Chief Surveyor with correspondence outlining the circumstances surrounding the request to alter the boundary and requesting a date for a site meeting
4. A date and time for a site meeting should be agreed upon by the parties. The persons in attendance at the meeting should be the proprietors to the parcels, the Land Surveyor and a representative of the Lands and Surveys Department. At the site visit, the Land Surveyor will point out the proposed boundary to officers of the Lands and Surveys Department. This activity will provide an opportunity for physical confirmation of the reported issue(s) and the proposed solution.
5. After the site meeting, the Land Surveyor to prepare final plans with a note such as:
 - a. *Boundary labelled A-B was determined in accordance with Section 25(1) of the Land Registration Act, Cap 229, with the support of the Chief Surveyor on <date of site meeting>. This boundary alteration is subject to final approval being granted by the Registrar of Titles.*


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6. An application to be made by the Attorney representing the proprietors to the Registrar of Titles with
 - a. An attached letter outlining the relevant details such as
 - i. Names of the proprietors and occupants of each parcel affected. In a circumstance where an applicant is not the registered owner (eg. Personal Representative of proprietor or Financial Institution exercising its power of sale), proof of capacity to be detailed;
 - ii. During the course of a recent survey of <location> <issue> was discovered;
 - iii. Describe issue;
 - iv. State agreement reached to address issue and names of persons
 - v. A request for the approval by the Registrar of Titles of the proposed alteration of boundary
 - b. Mutation forms (Form LR 3) for each parcel affected;
 - c. Plans for each lot affected showing the adjusted boundary; and
 - d. Consent of proprietors to the parcels affected. Signatures must be witnessed by an Attorney-at-Law.
7. The Registrar of Titles will forward the Mutation Forms and plans to the Chief Surveyor, to facilitate the amendment of the Registry Map and the provision of new parcel numbers for each parcel affected by the adjusted boundary. The Land Registry will thereafter advise the Attorney-at-Law responsible for the submission of the new Parcel Numbers.

It should be noted that this procedure, in accordance with two of the objectives of the land registration system, is intended to simplify and expedite certain dealings of land matters. There will therefore be no need to seek the approval of the Planning and Development Department in these applications.

Kindly be advised accordingly.


JOY-ANN C. CLARKE
Registrar of Titles (Ag.)

Copy: Chief Surveyor, Lands & Surveys Department
Director of Planning & Development, Planning and Development Department