



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

Re: Steps when Dealing with Parcels under the Land Registration Act, CAP. 229 of the Laws of Barbados

Please find below the suggested steps to follow when dealing with a registered parcel:

1. Before proceeding with a legal transaction relating to land, the Attorney-at-Law should check at the Barbados Land Registry to determine whether a parcel has been registered. Contact should be made with the Registration Section at the Land Registry with the most recent land tax bill issued by Barbados Revenue Authority, the name of the owner of the parcel and a copy of the lot plan. The information to be requested is as follows:
 - i. Whether the parcel is registered? If registered, what is the Parcel Number? and
 - ii. If the parcel is not registered, whether it is located in a Registration District? If the parcel is not registered but located within a Registration District, a Section 17 (4) Notice should be presented to the Land Adjudication Unit and to the Land Registry on the recording of any document affecting the parcel. The common law format of preparing deeds must be adhered to where the transaction relates to an unregistered parcel.
2. Before any legal documents are prepared with respect to a registered parcel, the Attorney-at-Law should complete an Application for an Official Search (Form LR 7). When applying for an Official Search, an attorney-at-law has the option of including an application for a stay of registration. This stay gives the proposed transaction identified priority over any other instrument submitted for a period of fourteen (14) days. To effect a stay of registration, the Application for an Official Search must be accompanied by the consent of the proprietor (signed personally by the proprietor) and specify the details of the proposed dealing which is intended to have priority.

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3. The Attorney-at-Law is required to review the Certificate of Official Search which has been issued by the Land Registry. This Certificate will consist of three to four sections:
 - a. Property Section – This section contains a brief description of the parcel along with any rights that pass with the land. These rights include the right to access the parcel and the right to access utilities such as water, telephone and electricity. Additionally, in developments, the parcel may benefit from covenants which the owners of the other parcels within the Development are required to adhere to. Reference will be made to these covenants in the Property Section;
 - b. Proprietorship Section – This section contains the name of the owner of the parcel and his/her interest in the parcel. Where a parcel has multiple owners (up to 4 owners), the names of each owner and the interest each owner holds in the parcel will be stated. Where a proprietor has his/her right to the parcel restricted, (eg. Where a financial institution holds a charge over the parcel which restricts the proprietor's right to sell or transfer the parcel or where a Caution has been placed on the parcel such as when the parcel is being used as security for bail granted in a criminal matter), a note of that restriction is made;
 - c. Encumbrances Section - All encumbrances affecting the parcel are noted in this section. This includes mortgages and charges held by financial institutions. Additionally, developers may have reserved rights for other parcels in a Development such as the right to access other parcels and the right to access utilities such as water and electricity. The Encumbrances Section also refers to covenants which the owner is required to adhere to;
 - d. Schedule of Covenants (if applicable) - Details of the covenants referred to in the Property and Encumbrances Sections of the Register are stated in the Schedule of Covenants.

Certificates issued by the Land Registry only contain the active entries found in the Register. Any entries which have been cancelled, such as previous owners of the parcel, charges which have been discharged by the financial institution or by order of the High Court of Barbados and Applications for Official Searches which have been previously issued by the Land Registry will not be displayed in Certificates. For a full legal history of the parcel since it has been declared as registered, an Attorney-at-Law will have to apply to the Land Registry to Inspect the Register


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4. Complete the documentation for the proposed transactions(s). All legal instruments submitted must comply with the forms provided in the *Land Registration Regulations, 1988*. All legal instruments presented to the Land Registry must identify the Attorney-at-law responsible for its preparation. On registering the Instrument at the Land Registry, the most recent Land Tax Bill should be provided. Registration fees for documents filed under the *Land Registration Act*, are based on the improved value of the property according to the most recent land tax bill issued by Barbados Revenue Authority. These fees are calculated in accordance with the Fifth Schedule of the *Land Registration Regulations, 1988*.
5. An Application for the issue of a Certificate (Form LR 5) must be registered in addition to the instrument detailing the newly completed transaction. A Certificate will not be issued unless this Application is made.
6. For a Certificate of Title to be issued, all Charges against the parcel must have been discharged. Where the Encumbrances Section contains entries indicating a Charge/Mortgage against the parcel, a Certificate of Title will not be issued until these encumbrances have been discharged.
7. Before a Certificate is issued by the Land Registry, all previous title deeds (including a Lot Plan which complies with the *Land Boundaries Act*, CAP 228B of the Laws of Barbados and the *Land Boundaries (Land Survey) Regulations, 1993*) and any previously issued Certificates must be returned to the Land Registry. Where the previous title deeds or previously issued Certificate(s) cannot be located, a procedure has been established by the Department to facilitate the issue of a new Certificate.

Kindly be advised accordingly.


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

J-ACC/jcb