

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1986-91

HOUSE OF ASSEMBLY

Tuesday, 26th June, 1990.

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. o'clock.

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)
His Honour J. J. PAYNE, (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A. (Econ.), J.P.,
(Prime Minister and Minister of Finance and Economic Affairs)
Hon. H. deB. FORDE, Q.C., M.A., LL.B.
Hon. B. M. TAITT, B.A.(Hons.), M.P.A., LL.B.(Hons.), (Minister of Health)
Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of International Transport, Telecommunications and Immigration and Leader of the House)
Hon. E. E. GREAVES, B.A., Ed.M., (Minister of Trade, Industry and Commerce)
Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P.(Edin.), (Leader of the Opposition)
Hon. Dr. D. G. BLACKMAN, B.A., M.A., (Minister of Transport and Works)
Hon. M. A. KING, Q.C., LL.B., (Attorney General, Minister of Legal Affairs and Minister of Foreign Affairs)
Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Agriculture, Food and Fisheries)
Hon. N. K. SIMMONS, (Minister of Employment, Labour Relations and Community Development)
Hon. H. A. BLACKMAN, B.Sc.(Econ.), (Minister of Housing and Lands)
Mr. D. A. C. SIMMONS, Q.C., LL.M.
Mr. O. S. ARTHUR, M.Sc.(Econ.)
Mrs. M. BARKER-WELCH, (Parliamentary Secretary, Ministry of Education and Culture)

Hon. C. V. WALKER, (Minister of Education and Culture)
Mr. L. L. BRATHWAITE, J.P., (Chairman of Committees)
Mr. E. BOURNE
Dr. E. A. SIMMONS, M.D.
Hon. W. W. HALL, G.C.M., H.B.M., (Minister of Tourism and Sports)
Mr. C. A. NEBLETT, B.A., (Parliamentary Secretary, Prime Minister's Office)
Mr. C. LeR. TROTMAN, M.A.
Mr. R. L. MORRIS, B.A., Cert. Ed.
Mr. P. J. M. MILLER
Mr. R. P. BYER, LL.B.
Mr. D. J. H. THOMPSON, LL.B.

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

Minutes of the meeting of Tuesday, 19th June, 1990.

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that the Minutes of the meeting of this Honourable Chamber held on 19th June, 1990, be taken as read and confirmed.

Mr. SPEAKER: If there are no corrections, then let those Minutes stand confirmed.

PAPERS

Hon. N. K. SIMMONS: Mr. Speaker, I beg to lay the Report of the Welfare Department for the year 1987-88.

GOVERNMENT NOTICES

Hon. P. M. GREAVES: Mr. Speaker, I beg to give notice of a Resolution to approve the compulsory

acquisition of land at Lodge Hill, St. Michael for the construction of the Adams-Barrow-Cummins Highway.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the instant order of the day.

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42 (5), ~ 43 and 44 be suspended for the remainder of today's sitting.

Hon. W. O. FRANKLIN: I beg to second that.

The question was put and resolved in the affirmative without division.

THE LAND REGISTRATION (AMENDMENT) BILL, 1990

Order No. 2 was called - to move the second reading of a Bill to amend the Land Registration Act, Cap. 229.

Hon. M. A. KING: Mr. Speaker, the objects and reasons of this Bill shown on the Bill are among other things to empower the Minister responsible for lands to suspend sporadic and voluntary registration of titles, and to make certain provisions in respect to the transfer of the system for dealing in unregistered titles through the Registration Office to the Land Registry.

Mr. Speaker, the need for this legislation arises out of a need to ensure that the system for dealing with unregistered land is placed with the Registrar of Titles who has the responsibility for dealing with registered titles. It is felt that for the better administration of dealings in land that dealings in registered land as well as dealings in, unregistered land should be administered by the same department.

Now the Land Registration Act which we are seeking to amend provides for the Registrar of Titles to deal with registered land and under the present system registered land is the only land which can presently be administered by the Registrar of Titles. So that dealings with unregistered land for the time being are still being done by the Registrar of the Supreme Court. So that among other things this Bill will ensure that dealings in unregistered land will move to the Registrar of Titles in addition to the duty which they have in relation to registered land. So it would be necessary first of all to amend the long title to the Land Registration Act and one of the amendments detailed in the Bill is to effect a change in the short title to the Bill which will ensure that the Bill relates to dealings in unregistered lands as well.

Now in relation to the problems caused by sporadic and voluntary registration, because you will notice that the Bill will permit the Minister by Order to suspend sporadic and voluntary registration, this came as a result of representations which had been made by the Bar Association in relation to the new system of registration of title, because of some technical difficulties which were encountered in the system of voluntary and sporadic registration. Now at the time when the legislation relating to registered titles was enacted, that is the Land Registration Act, the information available was that there was a sufficiency of survey information in the Lands and Surveys Department which would make it a relatively simple matter for the Chief Surveyor to tie in any new registrations to the national grid, and this gave rise to a provision relating to the voluntary and sporadic registrations which are in sections 14 and 15 of the Land Registration Act.

Now in relation to the provisions in relation to voluntary registration, this meant that wherever a person's land may be situated, that person may voluntarily bring his or her title on to the land register if he so wishes. Now in addition to that all conveyances for the sale of property which were made after the enactment of the Land Registration Act had to be brought on to the register. This is what the Land Registration Act provides, that any new conveyances for sale which were made after the enactment of that Act, and that date being 8th September, 1988, had to be brought on to the register. Now these are the sporadic registrations as distinct from the voluntary. The voluntary registration is where a person volunteers to bring his or her title on to the register, and the sporadic registration relates to where conveyances are done after the passing of the Act and the law requires that any such conveyances should be brought on to the register.

Now there has been fairly substantial compliance with these two forms of registration, the voluntary and the sporadic, but the difficulty is that the Chief Surveyor is unable to tie the surveys of these lands on to the national grid so as to reflect them on the registry map. So the position is that although there are many voluntary and sporadic titles which are there and which have been declared by the Commissioner of Titles, yet we find that it has been impossible to issue certificates of charge or certificates of title. The reason why it is impossible to do this is because the parcels of land cannot be reflected on the registry map to which reference has been made in the, certificates. The certificates must refer to the registry map.
12.30p.m.

In the interim then, these titles that are dealt with by the Registrar of Titles and are a part of the system of registration because they are voluntarily registered or they are sporadically registered, although they are strictly speaking part of the registered systems, the title has to be dealt with as unregistered titles because full compliance cannot be effected due to these technical difficulties. The

Land Registry has to be informed of the transactions where these sporadic and voluntary registrations are done.

It was against this difficulty that the Bar Association recommended that Sections 14 and 15 of Chapter 229 which is the Land Registration Act, which deal with voluntary and sporadic registration should be suspended. This is the recommendation which was accepted by the Ministry of Housing and subsequently agreed to by Cabinet.

The Minister responsible for lands will be empowered by Order to suspend Sections 14 and 15 of Chapter 229, that is, he will be empowered to suspend the provisions relating to voluntary and sporadic registration if he is satisfied that such suspension would enhance the systematic registration of titles within any particular district.

Now, there are certain other minor corrections which are being done by the legislation, for instance, in Clause 7 there is a typographical error which we are taking the opportunity to correct.

There is a new part which is being added to the Act, at Sections 157 through 161 and two Schedules which include recording fees and this new part deals with the - administration of the unregistered system. Essentially what it does is to embody certain provisions of the Registration Office Act by virtue of which that system had been administered by the Registrar of the Supreme Court.

What these provisions in Part 21 are doing are providing for the administration of the system of unregistered land and essentially what it does is to refine and reform some of the provisions in the Registration Office Act so as to enable the Registrar of Titles effectively to deal with administering the unregistered system.

As I said at the outset, the reason for the Bill, Mr. Speaker, is to provide for dealing with unregistered land to be transferred to and to be administered by the Land Registry and this is to take effect from April 1, 1989. Legislation should have been enacted to take effect from that date but legislation only existed in relation to the registered land system. Because of that, dealings in unregistered land continued to be managed and administered by the Registrar of the Supreme Court and the deeds and the legal custody of those deeds and registers relating to lands remained with the Registrar of the Supreme Court. The effect of this legislation will be to transfer all of those responsibilities effectively to the Registrar of Titles.

I do not think there is much more I need to add on this but if there are any questions on which Honourable Members would wish clarification I am willing to respond.

I move that this Bill be now read a second time, Mr. Speaker.

Hon. H. A. BLACKMAN: Mr. Speaker, I beg to second that and reserve my right to speak.

Mr. R. P. BYER: Sir, let me begin by saying that I am very happy that this piece of legislation is before the House at this moment. I remember when I was still a member of the Democratic Labour Party that I said on the Floor of the House, when a measure was introduced at some stage dealing with land registration - I do not recall when the matter was introduced - that I believed that the operations of these two sections ought to be suspended.

Now, at that time, Sir, I did not spell out the technique that ought to have been used to allow for the suspension of the operation of the two sections and I remember very correctly the Deputy Prime Minister saying that my suggestions could not be followed in the circumstances.

Now, I do not know, Sir, if he did not agree with me because I did not suggest the technique that ought to be used but I am very glad that we are now in a position that we have now brought this measure before this House because it was known that the manner in which these registrations were being done that it was creating certain problems with the Chief Surveyor's Department and also with the Registrar of Titles. So I am very, very glad that this measure is now before the House and...

Aside.

Mr. R. P. BYER: Yes. I agree that we would always have teething problems. I think that was one of the points that the Deputy Prime Minister made at the time because you were having teething problems, therefore, that was no reason why we ought to have...

Aside.

Mr. R. P. BYER: The now Deputy Prime Minister. They are always in the habit of having two things, two Ministers, two Deputies - I do not know, over there, Sir. I mean the Honourable Member for St. Michael North.

Now, Sir, it is well known that sporadic and voluntary registration of titles are important to the operation of the system of land registration in Barbados. We all know that the sporadic registration system refers to conveyances done after the proclamation of the Act and not necessarily after the Act was passed because we know the Act was passed in 1979 but never came into operation until very recently.

Mr. SPEAKER: There is a little bit too much noise in the Chamber.

Mr. R. P. BYER: Now, Sir, the main reason why we are having these difficulties, Sir, is because the Chief Surveyor's Department lacks staff. That is the real reason why we have this difficulty today.

The problem is that when a title is registered, one of the components of that process is the issuing of a certificate and if a certificate is not issued, then it suspends, at least, temporarily dealings in that land. It is not sufficient, under the present system, to show a history of the title to the land and then say, I have good title to the land. That must also be accompanied by a certificate as to the correct title of the land.

We are now faced with a situation where we have a backlog touching on several thousands transactions where certificates cannot be issued and it is important that the certificates be issued. 12.40 p.m.

Aside.

Mr. R. P. BYER: I said the certificates cannot be issued because the Chief Surveyor does not have the staff to do the necessary demarcation demarcating the several plots of land that have been conveyed so that they can be, as the Attorney-General said, entered in an orderly fashion, on the map showing the demarcation. This affects title to land, Sir, in especially Christ Church, St. Michael, St. Philip and St. James, the majority of the transactions are being done in those parishes.

But, Sir, there is also another problem coming with this as well, one that the Attorney-General did not point out. It has to do with the fact that, in some parishes, you have a development that spans two parishes. For example, Prior Park. I think it is North and South Prior Park. One section of Prior Park is in St. Thomas or St. Michael and the other section is in St. James. St. James has been designated a registration district. For example, Husbands, Oxnards and Wanstead Heights, all of those are registration districts. > Prior Park is a registration district as well. At the same time, that part of Prior Park falling in St. Thomas and in St. James cannot be part of the early system of registration because they fall outside of the parochial boundary of St. James.

If the Chief Surveyor's Office were fully operational, my opinion is that when they go in to do those titles or demarcate the boundaries in St. James, the Prior Park section of St. James, they could also have done it in that section of St. James that falls in St. Thomas and St. Michael. That is an added problem.

Even though I welcome this measure, Sir, at the same time, I must point out that it cannot continue indefinitely. You have the technique being used where the Minister can issue an Order suspending the operation of the sections

dealing with sporadic and voluntary registration of titles. So we might have it introduced, we might have it suspended and so on just like that.

But we must have staff appointed in the Chief Surveyor's Office to do the work. If that is not done, the system of registration in Barbados will not be completed in the 10 years that the Registrar of Titles said that it ought to be completed in. The Chief Surveyor has said that he believes the system can be completed between, I think it was 15 or 20 years. I do not remember which one. But we must have the staff to complete the demarcation. If we do not have the staff to complete the demarcation, Sir, we will continue to have problems.

I want to see this system working well, Sir, because, as we all know with a system of registered titles we will have more transactions in land taking place in a shorter time than is now the case. If we can get it working well, we will also see an increase in Government revenues. For example, in the Cayman Islands, they had a very slow system, revenues rose from, I think, \$0.5 million in one year allowing for inflation to about \$73 million. One of the problems affecting this area in the whole system of registration is the fact that, as presently done, it is very, very slow; a very slow system. People have commented in this House about the difficulty overseas investors have, when they come to Barbados in having property transferred because of the very slow system of registration that we have.

I would dearly like that the necessary staff be appointed. The Minister of Housing is saying that the staff is not a problem. But I know that staff is a problem. Staff is even a problem, Sir, in the Land Registry.

Aside.

Mr. R. P. BYER: Correct me when you get up. More staff is needed in the Land Registry. More staff is needed in the Surveyor's Office. I think everybody at this moment understands, Sir, how the system will work.

Mr. SPEAKER: I think your reference to the statement you just made, that there needs to be some clarification in view of the fact that the Minister has not spoken yet in this debate.

Mr. R. P. BYER: Okay, Sir. I thought I heard the Minister of Housing saying, *sotto voce*, Sir, that there was a problem with staff. He has now replied to me, *sotto voce*, that that is not so. I have invited him when he is ready to speak that any correction he wants to make about what I have said, he can do that, Sir. I am not being unfair to the Minister in any way.

More staff is needed at the Land Registry. We must have the staff if the work of Land Registration is to be

completed in the shortest possible time. That must happen. So, Sir, if we have additional staff, the whole system, of titling land through a prescriptive title will also be made much easier. As it is now, we have to go through the court for a long period, up to sometimes 18 months to get a foreclosure proceeding completed. But if we use the Land Registration Act technique, it can be completed in a very short time. But we must have staff to do all of this work, Sir.

Even though I welcome the measure before the House, I also issue some cautions along the way, and at the same time, say that I should like to see the system working as smoothly as is possible. I knew at the very beginning we were going to have teething problems but some of the teething problems need not be present at the moment.

Hon. H. A. BLACKMAN: Mr. Speaker, Sir, I will be very brief. Shortage of staff. I do not know if I heard the Honourable Member for St. George South incorrectly but I do not want the impression to be given that there is a shortage of staff in the Chief Surveyor's Department.

I think what happened is that there is a shortage of surveyors. In fact, we have taken a decision a couple of months ago to advertise in Trinidad for surveyors to come in and do some of this work. I do not want the impression being given that it is a question of the staff of the Chief Surveyor's office needing to be strengthened and not being strengthened by this Administration. The fact of the matter is that there is not enough surveyors who are willing and able to do this work and therefore, we had to advertise outside to get surveyors to come in and do this work.

One other point I need to mention here, Mr. Speaker, is that I have to congratulate and compliment the staff of the Land Registry and especially, the Registrar of Titles for the work that they are doing up there. I believe that they are working beyond the call of duty. They are working very hard and they are trying their best to get this system moving and get it fully operational in as short a space of time, as is possible. I believe that the staff of the Land Registry has to be congratulated on the work that is being done.

I take the point of the Honourable Member for St. George South that there may be some cause to increase the staff of the Land Registry. But this request has only been made to the Ministry recently and this request will be looked at, and as long as it is determined that that is absolutely necessary, I believe it will find favour with the Administration.

I do not think there are any more points that were raised that need to be mentioned by me. But as I said, the question of the shortage of surveyors has been a difficulty and that is why we have advertised in Trinidad in order to get surveyors to come and do some of the work here. 12.50p.m.

Dr. R. C. HAYNES: Mr. Speaker, this matter has been addressed by this Honourable House on several occasions in the past. I must say that I must congratulate the Honourable Member for St. George South on the foresight which he showed at the time when this matter was last debated. I distinctly recall his making the point that unless the provisions as now brought before this Honourable House were in place, then it would have resulted in considerable problems in relation to getting the whole system of registration of land in effective operation throughout the Island.

Many of us have felt down the years that the processes of transfer of title in Barbados are not only cumbersome, subject to all sorts of delays, often incurring unnecessary costs on all sides and resulting eventually in a significant economic cost to the country.

For many years many have thought that getting the land registry in place would be an important step in this direction. I distinctly recall that if the Honourable Member for St. George South, who is an expert in this area - he has worked in this area so he knows the ins and outs of the whole question of registration of titles in Barbados - if he was listened to at the time, then we would not have this kind of problem today. It is typical of the kind of arrogance demonstrated by certain Members on the Front Bench towards their own people on the back bench, because he was on the back bench at the time that they completely ignored him, although he had far more experience than anyone on the Front Bench, including senior attorneys at law, such as my good friend, the Honourable Attorney General, and the Honourable Deputy Prime Minister. Although they were practising law for longer, the fact is that they were not involved in that specialist area.

This does concern me, Sir, because it brings into question fundamentally the role of the back bench in Parliament. The point I am making, Sir, is this. Here the Democratic Labour Party had genuine expertise available to it in the form of the Honourable Member for St. George South when he was on the back bench over there, and they chose to ignore it. Now today we have to incur the additional cost of a session in Parliament, no doubt the tremendous economic cost of having thousands of incomplete transactions in Barbados today with considerable inconvenience to vendors, purchasers, the banking community, considerable economic losses being involved.

Aside.

Dr. R. C. HAYNES: Mr. Speaker, Sir, I clearly understand what I am talking about, because although a transaction may be completed, nevertheless under the present law in respect of registration you need that certificate of title. That cannot be had because of the problems existing at the moment.

The Honourable Member for St. George South pointed out that there was a shortage of personnel that was causing a problem. The Honourable Member for St. Philip South, my very good friend, sought to suggest that that was an incorrect suggestion. Then he gets up and says that there is a shortage of surveyors, and I am urging the Government to do something to ensure that the adequate amount of personnel is in place in order to make the legislation effective.

Sir, it has also been brought to my attention, from sources in which I will place far greater confidence and credence than the Honourable Member for St. Philip South, that there is also a shortage of personnel in the Land Registry. I would urge the Government to take those steps to provide the administrative infrastructure to make sure that they do not continue to frustrate the intentions of Parliament.

Hon. H. A. BLACKMAN: Mr. Speaker, on a point of order. I specifically said in my statement that there seems to be a shortage, or that we need further staff in the Land Registry Department, but that request has only been sent to the Ministry recently and that the matter is being looked at.

Dr. R. C. HAYNES: Mr. Speaker, I am sure that both you and I have a particular difficulty. I would have that difficulty even greater, because whereas you cannot hear *sotto voce* remarks, I can hear *sotto voce* remarks. You cannot hear them, but I can hear them, and I am saying that I heard a *sotto voce* remark to the effect that it was untrue to say that there was a shortage of staff in the Registry. I heard that *sotto voce* remark.

Hon. H. A. BLACKMAN: Mr. Speaker, I really do not want to stop the Honourable Member. It is obvious that the Honourable Leader of the Opposition does not understand there is a difference between the Lands and Surveys Department and the Land Registry Department. He does not understand it. The surveyors are needed in the Lands and Surveys Department, but I am saying we had a % request recently from the Land Registry Department to increase the staff. There is a difference between the two Departments.

Thank you, Sir.

Dr. R. C. HAYNES: I believe that I have been around long enough that I know the difference between surveying and registering. Indeed, Sir, I have heard the Honourable Member for St. Philip North speak of these matters for many, many years and I am quite sure that if you would ask him a question from time to time and do not pretend that you are a new expert on the subject, then you will make a better presentation in Parliament.

I am saying, Sir, that I heard a *sotto voce* remark in here to the effect that there was no shortage of staff. We all

heard it. Then in his speech on his feet he actually confirmed what the Honourable Member for St. George South said, that there was a shortage of staff in the Surveying Department and there is also a shortage of staff in the Land Registry Department. I am therefore calling on the Honourable Minister to ensure that there is adequate staffing of those Departments in order that the intentions of Parliament might not be further frustrated, because there is little point if we come in here week after week and pass legislation and the Minister does not take appropriate steps to ensure that the Departments are adequately staffed to make sure that the legislation has the intended effect in terms of the society at large.

The whole point of this legislation was to have a facilitatory effect on the whole question of transactions.

Mr. SPEAKER: Before the Honourable Member continues to develop his point, I just want to emphasise that *sotto voce* remarks are not part of Hansard. Therefore, it ought not to be used to the extent where a statement has been made that will be recorded as the official statement. I only want to caution the Member on extending on *sotto voce* remarks which, as you mentioned, I do not hear, neither would they be recorded in Hansard as official remarks of any Member.

Dr. R. C. HAYNES: Thank you, Sir. I always think that it is a bit unfortunate that you do not hear *sotto voce* remarks. If I may wind up, let me say this, that I share the views of the Honourable Member for St. George South who spoke very eloquently on this measure, and with the greatest clarity. 1.00p.m.

We hope, Sir, that the Government will take the appropriate steps to ensure that the administrative support is available in order that the intentions of the Act can impact on the society as a whole. Thank you very much, Mr. Speaker.

Mr. SPEAKER: Is the Minister winding up?

Hon. M. A. KING: Mr. Speaker, there is not an awful lot I need to respond to, just to make the point that the Honourable Leader of the Opposition has a capacity to speak at length on very little. The Honourable Member for St. Philip South made the point that clearly the Leader of the Opposition did not appear to fully comprehend all that was in this Bill. The point which the Honourable Member for St. Philip South was making was that there are not enough surveyors available in order to make the system work effectively. The problem has been with getting an adequacy of surveyors to do the necessary survey work to get the surveys and the plots available for effective registration; not in the land registry. There is a shortage of staff in the Lands and Surveys Department which is the department charged with the responsibility for doing the

surveys; so that is where the major problem in relation to shortage is concerned. The Honourable Member for St. Philip South made the point that they have been in the process of advertising to try and get some surveyors to do the necessary work because that is really the major holdup in getting the system of registered land completed. There may be some minor need for additional staff in the Land Registry, but that is not where the major problem is, Mr. Speaker.

The question that the Bill be now read a second time was put and resolved in the affirmative without division.

On the motion of Hon. M. A. KING seconded by Hon. W. O. FRANKLIN, Mr. SPEAKER, left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

Clauses 1 to 9 inclusive were called and passed.

On the motion of Hon. M. A. KING seconded by Hon. W. O. FRANKLIN, Mr. CHAIRMAN reported the passing of one Bill in Committee without amendment, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. M. A. KING seconded by Hon. W. O. FRANKLIN, the Bill was read a third time and passed. 1.10p.m.

ORDER NO. 3 - PROPERTY (MISCELLANEOUS) AMENDMENTS BILL, 1990

Hon. M. A. KING: Mr. Speaker, the Objects and Reasons of this Bill are stated as follows:-

- "(a) empower the Registrar of Titles to receive at the Land Registry for recording, copies of judgments obtained in the High Court and copies of company charges;
- (b) permit the transfer of the system for dealing in unregistered land from the Registration Office to the Land Registry and to make certain modifications with respect to the finality of the adjudication records."

Now, Mr. Speaker, as everyone knows, judgments which are obtained or confessed in the High Court affect land whether that land is registered or unregistered. The position now is that such judgments though, as the law now stands, are required to be registered with the Registration Office which is administered by the Registrar of the Supreme Court.

Furthermore, as the law now stands, when one wants to check to see whether there are judgments against a person, judgment searches would have to be made by the

Land Registry staff if these judgments are to be reflected on the appropriate folio of the Land Register where that judgment affects a particular parcel of land.

You would have a very cumbersome system where the law requires judgments to be registered with the Registration Office but yet where one wishes to search the title to property and that search is done at the Land Registry, as it now stands any judgment which is given would not appear on the records of the Land Registry unless the Land Registry staff would have gone and done the appropriate enquiries and entered the judgment in the appropriate file on the Land Register.

The amendments which are proposed in this bit of legislation would provide a simple mechanism whereby, in the future, after the passing of this Act it is required that a certified copy of all judgments affecting land must now be lodged with the Registrar of Titles.

Now, the judgment would normally be recorded by the Registrar of the Supreme Court but after the passing of this Act, this legislation will require that those judgments be registered as well with the Registrar of Titles.

You will note, Mr. Speaker, that there are just only three very short provisions of the Bill but the Schedule contains really the meat of the legislation and you will note, Mr. Speaker, that there are four amendments which are proposed the Schedule and in order to understand the Bill fully I will have to refer in some detail to some of them.

One of the Bills which is being amended is the Land Adjudication of Rights and Interest Act. Now, Section 20 subsection 2 of that Act, Mr. Speaker, that is the principal Act, stipulates that every plan required for the purposes of this Act shall be prepared in the manner prescribed in the Land Boundaries Act.

The point has been made by a number of Attorneys-at-Law and by Land Surveyors. There have been a number of seminars which have been held on land registration and at these seminars the point has been made that there are some plans in existence which even though they do not comply with what is prescribed under the Land Boundaries Act, they still have adequate information on them to make them suitable for the purposes of land registration.

It is a point which appears to be valid and the amendment which is being proposed to this legislation now would empower the Commissioners of Title who are the persons charged with adjudicating titles, after consultation with the Chief Surveyor, to accept such plans which may not comply with the Land Boundaries Act but yet contain a sufficiency of detailed information on them to make them adequate.

Now, another point being dealt with in the legislation is to correct certain ambiguities which exist in the present legislation. Sections 27 and 28, for instance, of the existing legislation appear to suggest that there is one adjudication record for one registration district when, in fact, there is an adjudication record for every title to be adjudicated.

The record is not in relation to the registration district but in relation to every title which has been adjudicated so that the amendment which relates to Sections 27 and 28 would remove that ambiguity which exists in that regard.

In relation to the Registration Office Act, the Schedule of fees, in relation to documents being recorded in the Registration Office is contained in the Registration Office Act, Chapter 33. Since we are now transferring the administration of unregistered land from the Registrar of the Supreme Court to the Registrar of Titles, it would be necessary to include in the Bill which relates to the authority of the Registrar of Titles provision for fees which are payable to the Registrar of Titles in relation to the recording of documents relating to unregistered land.

These Schedules will now be included with some modifications to the existing Schedules in the Registration Office. The Registrar of Titles will have a full schedule relating to fees for recording of documents in relation to registered land as well as in relation to unregistered land.

There are some other consequential amendments, Mr. Speaker, relating to the Property Act which make clear that the Registrar of Titles would deal with all matters now relating to land and not the Registrar of the Supreme Court. Documents like Powers of Attorney will now be required to be registered at both the Registration Office and at the Land Registry and there is a specific section in the Act which will provide for that requirement. 1.20p.m.

In relation to the Companies Act, Mr. Speaker, there are some proposed amendments which would require that company charges which would normally be registered with the Registrar of Corporate Affairs, that those charges be also registered with the Registrar of Titles because company charges may also affect title to property. We want to be sure that where searches are done in the office of the Registrar of Titles that the Registrar of Titles has a complete record of all charges, whether they be judgments, whether they be company charges, whether they be mortgages, whatever charges they are which affect land.

The purpose of the amendment in relation to the Companies Act is to ensure that all company charges are also registered and recorded at the office of the Registrar of Titles. Failure, of course, to comply with the requirement to register would make the charges void.

Those, Mr. Speaker, are the principal amendments contemplated by this bit of legislation.

I beg to move that this bill be now read a second time.

Hon. H. A. BLACKMAN: I beg to second that, Sir, and reserve my right to speak.

Mr. R. P. BYER: Sir, the only things that I find a bit puzzling about this legislation has to do with the last thing the Attorney-General spoke about just now which was the system of, I think we can say it is dual registration, registering certain documents with the Registrar of the Supreme Court and registering also the same documents with the Registrar of Titles.

I would have thought, Sir, a better approach to it should have been to have automatic registration, that whenever you register with the Registrar of the Supreme Court that, automatically, there would be a registration with the Registrar of Titles. Because what is going to happen, Sir, with this is that there is going to be an additional expense to people dealing in these transactions. I thought that, rather than have a system of dual registration we should have had a system of automatic registration.

I welcome the amendment to the Land Adjudication of Rights and Interest Act for the reasons given by the Attorney-General. There again, it was an unnecessary expense to have.... You might have a recent plan, let us say you had a plan in 1979 but the Land Boundaries Act came into operation after that date. So that was a new plan, a very recent plan, a very fresh plan and, obviously, you would not have difficulties following the demarcation on that plan but because the Land Boundaries Act says you have to have this fresh plan then you had to go and get another plan which was also additional expense in a number of these transactions. So I welcome that, Sir. And I largely, Sir, welcome the amendments contained in this measure now before the House.

Hon. M. A. KING: Mr. Speaker, if there are no other contributions on this matter, there is just one small point of reply to the Honourable Member for St. George South.

He made the point that he thought that automatic registration rather than dual registration would have been more appropriate, that once the charges or the judgments were registered with the Registrar of the Supreme Court or the Registrar of Corporate Affairs, that should automatically effect registration with the Registrar of Titles. That matter was considered, Mr. Speaker, but certain problems were evident. Because the question is, on whom is the onus to register?

There can be occasions, for instance, where, suppose there is a default by the Registration Office - there are separate departments - to communicate because some

communication would be necessary, and the Registration Office would need to communicate with the Registrar of Titles. Suppose there is some default in - because these things can happen in the Public Service - the Registration, one goes to search the Register of Titles and because of this act of neglect on the part of a public official there could, possibly, be prejudice to anyone searching the title in the Land Registry.

What it does do is to place a responsibility on a person, who has a judgment or a charge to ensuring that his charge or judgment is registered and affects the property. So that, from the point of view of the person who is the owner of the charge, so to speak, and whose interest needs to be protected. I think it places no too great burden on that person, in his own interest, rather than to rely on someone else to do the necessary work for him, to go and register the charge as well with the Registrar of Titles. Because once that charge is registered, it affects the property which is registered. So that automatic registration has been considered but it has been found that the obligation to register placed on the owner of the charge is a more effective and sure way of ensuring that one's interest is protected.

Thank you, Mr. Speaker.

The question that this Bill be now read a second time was put and resolved in the affirmative without division.

On the motion of Hon. M. A. KING, seconded by Hon. H. A. BLACKMAN, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called.

Hon. M. A. KING: I beg to move, Sir, that Clause 1 stand part.

Hon. W. O. FRANKLIN: I beg to second that, Sir.

Mr. CHAIRMAN: The question is that Clause 1 stand part. All those in favour please say aye.....

Clause 2 was called.

Hon. M. A. KING: I move, Mr. Chairman, that Clause 2 stand....

Asides.

Mr. CHAIRMAN: Just one minute. I am still putting Clause 1. Just let me explain that, coming from this side of

the Chamber, there was too much noise when I was about to ask the Honourable Members to be a little more quiet and I have not completed putting Clause 1. So I shall put Clause 1.

The question that Clause 1 stand part was put and resolved in the affirmative without division.

Clause 2 was called.

Hon. M. A. KING: I beg to move, Mr. Chairman, that Clause 2 stand part.

Hon. W. O. FRANKLIN: I beg to second that, Sir.

Mr. CHAIRMAN: I am going to ask Honourable Members to observe that the Chair is in charge.

The question that Clause 2 stand part was put and resolved in the affirmative without division.

Clause 3 was called and passed.
1.30p.m.

The Schedule was called.

Hon. M. A. KING: Mr. Chairman, I move that the Schedule be the Schedule to the Bill.

Hon. W. O. FRANKLIN: I beg to second that.

The question was put and resolved in the affirmative without division.

On the motion of Hon. M. A. KING, seconded by Hon. W. O. FRANKLIN, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. M. A. KING, seconded by Hon. W. O. FRANKLIN, the Bill was read a third time and passed.

ANNOUNCEMENTS BY HIS HONOUR

MESSAGE FROM THE HONOURABLE THE SENATE TO THE HONOURABLE THE HOUSE OF ASSEMBLY

Mr. SPEAKER: This deals with an amendment to the Education (Amendment) Act I have been informed that Honourable Members have been circulated with this amendment and there is no need for me to read the entire text from the Senate.

Hon. C. V. WALKER: Mr. Speaker, I beg to move that this Honourable House concur in the amendment.

Hon. P. M. GREAVES: No, no, Mr. Speaker, I move that this matter be taken forthwith.

Hon. M. A. KING: I beg to second that.

Mr. SPEAKER: If there are no objections, then the matter will be dealt with.

Hon. C. V. WALKER: Mr. Speaker, I beg to move that this Honourable House concur in the amendment submitted.

Hon. P. M. GREAVES: I beg to second that.

The question was put and resolved in the affirmative without division.

Mr. SPEAKER: I am going to deal with announcements which were not dealt with before. I am in receipt of the resignations from the Public Accounts Committee of the Honourable Member for St. Michael South and the Honourable Member for St. Philip North. Those resignations have been accepted by myself and I now nominate the Honourable Member for St. Philip South and the Honourable Member for Christ Church East Central to till those vacancies.

END OF GOVERNMENT BUSINESS

Hon. P. M. GREAVES: Mr. Speaker, that will bring us to the end of Government Business for today. It is not intended to do the Co-operative Societies Bill in the absence of the substantive Minister, who is not in the country. Therefore, I move that Private Members' Business be now taken.

PRIVATE MEMBERS' BUSINESS

Mr. SPEAKER: Private Members' Business. Since there are no Members willing to debate Private Members' Business, I now close Private Members' Business.

ADJOURNMENT

Hon. P. M. GREAVES: I move, Sir, that this House do now adjourn until Tuesday, 3rd July, 1990 at 12 o'clock noon.

Hon. M. A. KING: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly. 1.40p.m.

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SPEAKERS IN THIS ISSUE

BLACKMAN, Hon. H. A. (St. Philip South) BYER,
Mr. R. P. (St. George South) GREAVES, Hon. P. M.
(St. Michael North) HAYNES, Dr. R. C. (St. Michael
South Central) KING, Hon. M. A. (Christ Church
West Central) WALKER, Hon. C. V. (St. George
North) WEEKES, His Hon. L. A. (St. Michael North
West)