

Seychelles

Land Registration Act

Land Registration Rules

Statutory Instrument 12 of 1967

Legislation as at 1 December 2014

FRBR URI: /akn/sc/act/si/1967/12/eng@2014-12-01

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PDF created on 21 February 2024 at 19:34.

Collection last checked for updates: 30 June 2014.

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Land Registration Rules

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Statutory Instrument 12 of 1967

Commenced on 27 February 1967

[This is the version of this document at 1 December 2014.]

[S.I. 12 of 1967; S.I. 14 of 1973; S.I. 91 of 1974; Act 9 of 1983; Act 7 of 1985; S.I. 11 of 1988; S.I. 33 of 2011]

1. Citation

These rules may be cited as the Land Registration Rules.

2. Form of register

A register shall be in one of the forms in the First Schedule to these rules, whichever is appropriate; the registration district, the section number (if any) and the parcel number shall together form the title number, and the parcel number entered in a register in respect of a lease shall contain—

- (a) where the lease is of a whole parcel, the parcel number;
- (b) where the lease is a sublease, a letter suffix unique to that sublease;
- (c) where the lease or sublease is of a portion of a parcel, a subdivisional number unique to that portion, and letters and subdivisional numbers shall appear in the order in which the respective interests were created.

3. Other forms

Subject to section 58 of the Act, every instrument shall, with such variations as may be necessary to meet the circumstances of any particular case, be in one of the forms in the Second Schedule to these rules, whichever is appropriate.

4. Instruments to be in English

All instruments shall be clearly and legibly printed, written, or typewritten, in the English language.

5. Forms of attestation

The attestation of every execution required by the Act to be attested shall be in the following form—

“signed by _____ who is known to me (or who was satisfactorily identified to me) in my presence.”:

Provided that where section 61 of the Act applies, the attestation shall be in the following form:—

- (a) in case of ignorance—

“Marked by _____ who is known to me (or who was satisfactorily identified to me) in my presence and that of the two undersigned witnesses after the above instrument had been read over to the said _____ by me in the presence of the two said witnesses.”
- (b) in the case of physical disability—

“We, the undersigned, do hereby attest that _____ Who is known to us suffers from _____, a physical disability whereby he/she is unable to execute the above instrument and that after the said

instrument had been read over to the said by _____ in the presence of the undersigned witnesses, he/she declared (or acknowledged) that he/she assented thereto.”

6. Execution and attestation of instruments in foreign countries

Where it is not practicable or convenient to execute an instrument in a foreign country in the presence of a British consular officer, or to have the execution of that instrument attested by that officer, for the purposes of section 60(2)(b) of the Act, the instrument may be executed in the presence of a judge, magistrate, justice of the peace, notary public or commissioner of oaths in that country who shall attest the execution in the appropriate form prescribed by rule 5.

7. Form of application to register certain legal charges

- (1) An application to the Registrar for the registration of a legal charge under section 43 of the Act, when the legal charge to be registered related to a vendor's privilege or to a minor's legal mortgage, shall contain the following particulars:—
 - (a) the name, surname, residence and occupation, if any, of both the creditor and the debtor;
 - (b) in the case of a vendor's privilege the date of the instrument giving rise to the privilege and the amount of the claim in principal and accessories and the date when it becomes due;
 - (c) in the case of a minor's legal mortgage, the nature of the rights to be preserved and the amount of their value as respects things have been determined, without it being necessary to fix such value as respect things which are conditional, eventual or undetermined;
 - (d) the description of the land affected by the legal charge.
- (2) An application which does not satisfy any of the requirements of this rule may be rejected by the Registrar.

8. Non-Seychellois

Every transfer and every lease presented for registration shall have endorsed thereon a certificate by the attesting witness in the following form:—

The Immovable Property (Transfer Restriction) Act.

- (a) The transferee/lessee is not a non-Seychellois; or
- (b) Sanction has been given.

9. Stamps and registration fees

No instrument required to be stamped or to be registered in accordance with the provisions of the Mortgage and Registration Act shall be accepted for registration under the Act unless it has been so stamped or registered.

10. Statutory bodies

The Development Bank of Seychelles shall be a statutory body for the purposes of the Act and of these rules.

11. Fees

The fees specified in the second column of the Third Schedule to these rules shall be paid in respect of the matters specified in the first column of that schedule:

Provided that no fee shall be payable in respect of any dealing in favour of the Republic or any statutory body, or in respect of any application, notice or caution made, given or presented by or on behalf of the

Republic or any such body, or, where they are required for official purposes, for a search by or for the issue of any copy to any public officer.

12. Payment of fees

- (1) All fees shall be payable on presentation of the instrument or application.
- (2) Unless the Registrar otherwise agrees, fees shall be paid in cash.

13. Refund of fees

No fee shall be refunded except by order of the Land Registrar.

14. Interpretation

In these rules words and expressions shall have the meaning ascribed to them in section 2 of the Act.

First Schedule

Form 1 (Rule 2)

A – Property section

Edition:			
Opened:			
Registration District		Beneficial Easements, etc.	Nature of Title
Parcel No.			
Area	Acres		

B – Proprietorship section

Entry No.	Date	Name of proprietor	Address of proprietor	Signature of Registrar
Title No.				

C – Encumbrances section

Entry No.	Date	Name of encumbrance	Address of proprietor	Signature of Registrar

Form 2**A – Property section**

Edition:		
Opened:		
Registration District	Particulars of Lease	Nature of Title
	Lessor:	
	Lessee	
Parcel No.		
	Rent: Term: Form:	
Area Acres		

[N.B. Where the Lease is part of parcel the parcel number refers to the number shown on the filed plan.]

B – Proprietorship section

Entry No.	Date	Name of Proprietor	Address of Proprietor	Signature of Registrar
Title No.				

C – Encumbrances section

Entry No.	Date	Name of encumbrance	Address of proprietor	Signature of Registrar

Second Schedule (Rule 3)**Forms****Form L.R.1*****The Land Registration Act*****Transfer of land**

I/We, _____ in consideration of rupees _____ (which sum [or of which sum Rupees _____] has been paid) hereby transfer to _____ of _____ the land comprised in the above-mentioned title [in the following undivided shares:—]

Dates this _____ day of _____ 19 _____

Form L.R.2***The Land Registration Act*****Transfer of lease**

Title No. _____

I/We, _____ in consideration of rupees _____ (which sum has been paid) hereby transfer to _____ of _____ the leasehold interest comprised in the above-mentioned title.

Dates this _____ day of _____ 19 _____

Form L.R.3***The Land Registration Act***

Transfer of charge

Title No. _____

I/We, _____ in consideration of Rupees _____ (which sum has been paid) hereby transfer to _____ of _____ the charge shown as entry number _____ in the encumbrances section of the register of the above-mentioned title.

I/We _____ the Chargor, hereby agree to this transfer.

Dates this _____ day of _____ 19 _____

Form L.R.4***The Land Registration Act*****Transfer of undivided share**

Title No. _____

I/We, _____ in consideration of Rupees _____ (which sum [or of which sum Rupees _____] has been paid) hereby transfer to _____ of _____ [part of], my/our undivided share in the above-mentioned title [in the following proportion:—]

Dates this _____ day of _____ 19 _____

Form L.R.5***The Land Registration Act*****Transfer of lease**

Title No. _____

I/We, _____ hereby lease to _____ of _____ the land comprised in the above-mentioned title [or that part of the land comprised in the above-mentioned title which is shown on the plan annexed hereto and comprises _____ acres approximately,] for the term of _____ From the _____ day of _____ 19 _____. At the _____ rent of Rupees _____ payable _____, and subject to the following conditions:—

(conditions) _____

Dates this _____ day of _____ 19 _____

Form L.R.6***The Land Registration Act***

Usufructuary interest

Title No. _____

I/We, _____ hereby grant to _____ of _____ a usufructuary interest in the land comprised in the above-mentioned title, for his life [or for the term of _____ years from the day of _____ 19 _____], subject to the following conditions:—

(conditions) _____

Dates this _____ day of _____ 19 _____

Form L.R.7***The Land Registration Act*****Charge**

Title No. _____

I/We, _____ hereby charge my/our interest in the above-mentioned title to secure the payment to _____ of _____ of the principal sum of _____ with interest at the rate of _____ *per centum per annum* payable _____

The principal sum shall be repaid on the _____ Day of _____ 19 _____ together with any interest then due.

(Any other conditions)

Dates this _____ day of _____ 19 _____

Form L.R.8***The Land Registration Act*****Discharge of charge**

Title No. _____

I/We, _____ Hereby discharge the Charge registered against the above-mentioned title as Entry No: _____

Dates this _____ day of _____ 19 _____

Form L.R.9***The Land Registration Act***

Surrender of lease

Title No. _____

I/We, _____ in consideration _____ (the receipt whereof is hereby acknowledged) hereby surrender the lease comprised in the above-mentioned title; and the Lessor hereby accepts such surrender.

I/We _____, the Chargee [or Sublessee] hereby agree to this surrender.

Dates this _____ day of _____ 19 _____

Form L.R.10

The Land Registration Act

Grant of easement

Title No. _____

I/We, _____ in consideration of _____ (the receipt whereof is hereby acknowledged) hereby grant to the proprietor of the land comprised in title number the following easement:—

Dates this _____ day of _____ 19 _____

Form L.R.11

The Land Registration Act

Release of easement or restrictive agreement

Title No. _____

I/We, _____ Being entitled to the benefit of the lease [easement] [restrictive agreement] shown as entry number _____ in the encumbrances section of the register of the above-mentioned title, hereby release the [easement] [restrictive agreement].

Dates this _____ day of _____ 19 _____

Form L.R.12

The Land Registration Act

Application for partition

Title No. _____

I/We, _____ Hereby apply for the land comprised in the above-mentioned title to be partitioned in the following manner:—

Dates this _____ day of _____ 19 _____

Form L.R.13***The Land Registration Act*****Power of Attorney**

Title No. _____

I hereby appoint _____ of _____ to be my attorney and generally in relation to my interest in the above-mentioned title to do anything and everything that I myself could do, and for me and in my name to execute all such instruments and to do all such acts, matters and things as may be necessary or expedient for carrying out the power hereby given.

(If the power is to be limited to particular acts only, delete all the words after the word “attorney”, and set out what powers are to be conferred.)

Dates this _____ day of _____ 19 _____

Form L.R.14***The Land Registration Act*****Notice of revocation of a Power of Attorney**

Title No. _____

I, _____ hereby give notice that the Power of Attorney filed in the register of powers of attorney as number _____ has been revoked—

- (a) by me _____ Or
- (b) by the (death) (bankruptcy) (interdiction) of the donor or
- (c) by the (death) (interdiction) of the attorney, and I attach the following documents in support thereof:—

Dates this _____ day of _____ 19 _____

Form L.R.15***The Land Registration Act*****Notice of renunciation of Power of Attorney**

Title No. _____

I _____ hereby give notice that I have renounced the Power of Attorney filed in the register of powers of attorney as No: _____

Dates this _____ day of _____ 19 _____

Form L.R.16***The Land Registration Act***

Caution

Title No. _____

I, _____ of _____ Claim an interest as _____ in the above-mentioned title and forbid the registration of dealings and the making of entries in the register relating to the title (altogether) or (to the following extent _____) without my consent, until this caution has been withdrawn by me or removed by order of the Court or of the Registrar.

Dates this _____ day of _____ 19 _____

Form L.R.17

The Land Registration Act

Appeal to the Land Registrar under section 96(1)

Title No. _____

I _____ hereby appeal against the refusal of the Assistant Land Registrar to effect or cancel the following registration:—

My grounds for appeal are as follows:—

Dates this _____ day of _____ 19 _____

Form L.R.18

The Land Registration Act

Notice of intention to appeal to the Supreme Court

Title No. _____

To The Land Registrar,

Victoria

Take notice that I intend to appeal to the Supreme Court against the decision given by you in my appeal to you dated the _____

Dates this _____ day of _____ 19 _____

Form L.R.19

The Land Registration Act

Certificate of official search

Title No. _____

On the _____ day of _____ 19 _____ the following were the subsisting entries on the register of the above-mentioned title—

Part A - Property Section (Easements, etc.)

Part B - Proprietorship Section.

Name and address of proprietor: _____

Inhibitions, Cautions and Restrictions:

Part C - Encumbrances Section (Leases, charges, etc.)

Dates this _____ day of _____ 19 _____

(Assistant) Land Registrar.

Form L.R.20***The Land Registration Act*****Mutation form**

Title(s) No. (s): _____

To: Director of Surveys

1. The proprietor wishes to subdivide
or
The proprietors wish to alter their common boundary
2. The new parcel numbers will be _____ and _____
3. Please arrange for survey and, when this has been passed, amend the Registry Map and send to me survey plans of the new parcels.

Date: _____ 19 _____

Land Registrar.

To: Land Registrar

1. Registry Map amended.
2. Survey plans herewith.

Date: _____ 19 _____

Director of Surveys

(This form to be completed in triplicate.)

Form L.R.21***The Land Registration Act*****Affidavit on transmission by death**

We, _____ hereby solemnly and conscientiously swear as follows:—

1. That our (Father, etc.) (Name of deceased) died at _____ on the _____ Day of _____ 19 _____
(Death certificate attached hereto).
2. That at the date of his death the deceased was registered as the proprietor of—
(Details of land etc. owned, giving title references).
3. That under the Will of the deceased (or on the death, intestate, of the deceased) we became entitled to the above-mentioned property as follows:—
4. That, to the best of our knowledge, information and belief, no other person is entitled to any interest in the said property.

Sworn before me

At _____

Magistrate/Justice of the Peace/Registrar of the Supreme Court.

This day _____ of _____ 19 _____

Third Schedule

Fees

1. For registration, in respect of each title affected, of	SR
(a) Transfer or Transmission	100.00
(b) Lease or sublease	100.00
(c) Surrender or cancellation of lease or sublease	100.00
(d) Extension or variation of lease or sublease	100.00
(e) Charge	100.00
(f) Discharge or variation of charge	100.00
(g) Easement or restrictive agreement	100.00
(h) Release of easement or restrictive agreement	100.00
(h) Release of easement or restrictive agreement	100.00
(i) Assignee in bankruptcy or insolvency	100.00
(j) Liquidator of company	100.00
(j) Liquidator of company	100.00
(k) Power of attorney	100.00
(l) Renovation or renunciation of power of attorney	100.00
(m) Inhibition by court	100.00
(n) Caution	500.00
(o) Restriction, on application by an interested party	500.00

(p) Court order	100.00
(q) Executor or fiduciary appointment	100.00
(r) Change of name	100.00
2. For opening new registers on a partition or Subdivision, for each new parcel resulting	100.00
3. On the combination of parcels	100.00
4. On conversation of title under section 21(1) of the Act	100.00
5. On application to inspect under section 27(1) of the Act	100.00
6. For a certificate of official search under section 27(2) of the Act	100.00
7. For certificate copies of instruments, for every folio of 15 lines or part thereof	50.00
8. For certified copies of registry map or of a filed plan, Per square foot or part thereof	100.00
9. Attestation fee, payable to notary, for each execution attested	500.00