

## CANADIAN MICROFORM SYSTEMS LIMITED

235 FOURTH AVENUE, OTTAWA, ONTARIO K1S 2L9 — (613) 233-1701

3-P-85-0345

REPORT ON THE CURRENT STATUS

LAND REGISTRY INFORMATION SYSTEM

MINISTRY OF LEGAL AFFAIRS

GOVERNMENT OF TRINIDAD AND TOBAGO

JACK CURRIE

Canadian Microform Systems Limited

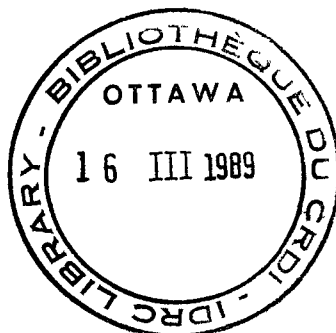
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November 20, 1987

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## INTRODUCTION

1. Canadian Microform Systems Limited (CMSL) was contracted by the International Development Research Centre (IDRC) to perform the following services:
  - a. To undertake a systems study in the Office of the Registrar General to develop the procedures to capture the search data generated by Ministry search clerks and/or private law firms and to store this data for use in future searches.
  - b. To prepare and conduct formal briefings for law firms in Trinidad and Tobago on the use and benefits of automated indexes; and
  - c. To evaluate the established system, to make changes where required, and to set target dates for the remainder of the project.
2. In addition to these tasks it was necessary for Mr. Currie to participate in many other project related activities. Some of these were:
  - a. Attend three meetings of the full Working Group.
  - b. Prepare terms of reference for the position of Project Leader.
  - c. Assist in preparing a five-year financial forecast for the project.
  - d. Hold discussions with the microfilm vendor on maintenance and maintenance service contracts for the microfilm equipment.
  - e. Arrange meetings and briefings for Mr. Archer during his one day visit.

EVALUATING THE CURRENT SYSTEM

3. Overall Project

- a. The overall project has not moved as rapidly as anticipated. The main reasons for this are lack of continuity and lack of communication.
- b. This situation arose because there was no project leader appointed to provide overall direction to the various aspects of the project and to report to the Working Group and the Attorney General when problems came up or milestones were not met.
- c. In addition, there has been an unusually large turnover in key personnel. During the period that I have been involved with the project there have been two Attorney Generals, three Permanent Secretaries, three Registrar Generals, and an almost complete turnover of individuals in the Working Group.
- d. As a result the project lost momentum and direction, and the Permanent Secretary and the Attorney General were unaware that problems existed. In spite of this there has been great progress in certain areas. Individual parts of the project are discussed in subsequent paragraphs.
- e. In addition, Mr. L Williams has been appointed Project Leader on a full time basis. His terms of reference are shown at Annex A.

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4. Microfilm Unit

- a. General. The Microfilm Unit is a competent production unit and has been so for at least one year. If not interfered with, and if film and protocols are available for filming it has no difficulty reaching the quotas recommended. In addition, it processes film for the Prime Minister's Office, and films and processes film one half day per week for the Hall of Justice. No new tasks should be undertaken other than film processing - otherwise it will be difficult to maintain current production.
- b. Production Estimate to December 31, 1987. It is estimated that 350 rolls of film will be completed. This would include the following years: 1987( $\frac{1}{2}$ ), 1984( $\frac{1}{2}$ ), 1986, 1985, 1974, 1973, 1972, 1971( $\frac{1}{2}$ ), 1970( $\frac{1}{2}$ ). This amounts to approximately 143,431 deeds.
- c. Production Estimate to December 31, 1989. It is estimated that all Protocols from 1966 to March, 1989 will be completed.
- d. Problem Areas. Filming cannot proceed on the ten-year period 1976-1985 because the deeds are not all signed, therefore not complete. The Registrar General should put priority on this task.
- e. Use of Paper Copies from Microfilm. A number of years of Deeds have been microfilmed - they should be made available to the public. There must be a charge for the paper copies and the copies must be considered legal under your law. Both of these concerns were given to the Law Reform Adviser and the Registrar General over two years ago with no concrete action taken. At Annex B, is an estimate of the cost of producing a single page copy from from the microfilm image (including depreciation, maintenance of equipment, supplies, labour etc.,).

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It amounts to 80.25 cents, which is below the charge of \$1.00 per page shown in the present Schedule of Fees used for copies from the original. I recommend that to avoid legislative changes at this time, that the existing Fee Schedule be used. In addition, if legislative changes are required to make the microfilm and paper copy legal in a court of law that the amendments should be made as soon as practicable.

- f. Storage of Microfilm. Approximately 300 rolls of microfilm are now stored in the Microfilm Unit as working copies, with an equal number stored with the National Computer Agency as security copies. Additional cabinets with a capacity for 1022 rolls were built and installed in the Microfilm Unit this week. A five-year estimate of the storage requirements with costs of cabinets, etc., for both the Microfilm Unit and National Computer Agency was prepared for the Permanent Secretary.
- g. Classification of Personnel. In February, 1987, the Attorney General approved a recommendation to increase the classification of the technicians from the current Range 16 to at least Range 22. This was subsequently approved by Cabinet, however no changes have been made to date. If these personnel move to better paying position it will be very difficult to replace them. The Permanent Secretary is holding discussions with the Chief Personnel Officer.

5. Data Input Unit.

- a. General. The current personnel in the unit are well trained and capable. Output has been below that anticipated because the Central Statistical Office on occasion granted leave to individuals without prior approval and notification to the Ministry.

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This should not happen again. The new data entry room in the Red House is now in operation using the new IBM System 36 equipment and software. This will increase the efficiency of data capture.

- b. Personnel Requirements. In my report of February 26, 1987, a recommendation was made for an increase in staff to complete the data entry for a 20 year period. This was approved by the Attorney General and by Cabinet, however there has been difficulty in filling the positions. The Permanent Secretary has this in hand and it is anticipated that the additional 12 personnel will be available by March 31, 1988 at the latest. The production estimates given in subsequent paragraphs are made with that assumption.
- c. Production Estimate to December 31, 1987. It is estimated that the following date input will be completed:
  - (1) Wards - Diego Martin and St. Ann's.
  - (2) All Wards by year - 1986, 1985, 1984 and one quarter of 1983.
- d. Production Estimate to March 31, 1988. Additional input: one half of 1983.
- e. Production Estimate to December 31, <sup>1989</sup>1998. It is estimated that the twenty-year period from 1968 will have been completed, automated indexes produced for all years by Ward, and a production system in use for updating all Ward indexes as a need deed is registered.

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- f. On-Going System. When the backlog of deeds for the twenty-year period has been completed and an automated index completed for Lis Pendens and Judgements (for a three-year period) the requirement for personnel and equipment will be drastically reduced. Two data entry clerks and two terminals will be required. At least one of the terminals should have a direct link to the National Computer Agency computer so that on-line searches can be done from the Red House.

6. Quality Control Unit.

- a. General. Quality control of the information contained in the automated system is the key to the overall project. Production has fallen because there are not sufficient well trained personnel. In February, 1987, a recommendation for additional staff was approved by the Attorney General and subsequently by Cabinet, however the positions are not yet filled. The production estimates given in the following paragraphs are made with the assumption that the personnel will be trained and in situ by March 31, 1988.
- b. Production Estimate to December 31, 1987.
- (1) Wards: Diego Martin and St. Ann's
  - (2) All Wards by Year: 1986, one half 1985.
- c. Production Estimate to March 31, 1988
- Additional Years: 1985 and one half 1984.
- d. Production Estimates to December 31, 1989.
- All twenty years.

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- e. Priority. Because of the importance of accuracy within the system it is essential that priority be given to ensuring that only well-trained, supervised personnel are employed in the Quality Control Unit.
- f. On-Going System. On completion of the quality control checking for protocols, Lis pendens, and judgements for the automated system, the personnel requirement will drop rapidly. Only two quality control clerks will be required for day to day production.

7. Survey Requirements.

- a. General. A four-point plan outlining the survey requirements was documented in my report, IDRC File 3-A-83-4320, dated December 12, 1985. The plan was approved by the Working Group and passed to Dr. Watkins, Law Reform Adviser to review the legal implications. Dr. Watkins review of the Survey Plan was attached as Annex A to my report of November 7, 1986. It is in report included as Annex C.
- b. Legislative Changes. One piece of legislation, Act No.10 of 1986 has already been proclaimed, however, there appears to be some inaccuracies in it. Priority should be given to ensuring that there are no real legal problems to the implementation of the Survey Plan.
- c. Ejudication and Survey. IDRC funded a visit by Mr. Taylor from the United Kingdom to assist the Director of Surveys in producing an implementation plan. Mr. Taylor's report was considered of no practical value and it was agreed at a meeting of the Working Group on November 9, 1987 that the Director of Surveys should proceed on his own.

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- d. Progress to Date. Little progress has been made on any part of the survey plan. Initially there was a shortage of surveyors. This has been rectified, however there is now a shortage of survey equipment and suitable accommodation for the surveyors. The overall survey plan is a long term effort with the first three areas estimated at five years each, and the Ajudication and Survey at ten years. Over two years have passed since the overall plan was approved with no real results.
- e. Recommendations.
- (1) It is recommended that the Director of Surveys immediately produce a detailed implementation plan for approval of the Working Group. After approval of the plan, progress should be reported at every meeting of the Working Group. In instances where there are problems, e.g. lack of funds for equipment, suitable accommodation, etc., the Working Group should be able to solve them or at least make their political masters aware that these problems do exist.
  - (2) It is my opinion that the major survey requirements for the government in the next decade and perhaps further concern the work involved in the four-point Survey Plan concerned with this project. In addition, an approved survey is required eventually for every property registered under the 1981 Act. In view of this it is recommended that the Director of Surveys and his staff be transferred to this Ministry. If this is not possible a team

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of surveyors should be transferred on a full time basis until such time as the bulk of the survey has been completed. If this is not done there is no priority to complete the survey requirements for this project. As proof of this there has been no progress in this area in the past two years.

8. Legislative Changes.

- a. General. We have reached a critical stage in the project. We can now search two wards using the automated indexes, and by year end will have micro-filmed approximately 143,431 deeds, however because legislative changes have not been initiated, the end product from any search would have no legal basis. Since the requirements were discussed in detail in the Feasibility Study in July, 1984, and in subsequent reports I will only list the requirements briefly in the paragraphs that follow.
- b. Legality of Microfilm. Deeds (or any other document) that have been microfilmed should be deemed legal in a court of law. This should also include any paper copy made from a microfilm image.
- c. Change Period of Search to 15 years. When the 1981 Act becomes effective it will change the period of search for a good root of title to 15 years from the current 30 years. Unless the change is made now any search done using the automated indexes would not be legal because that date only goes back for a twenty-year period.

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- d. Town and Country Books and Indexes. It was agreed that after the automated indexes for a ward (e.g. Diego Martin and St. Ann's) have been completed and verified for a period of twenty years, that there should be no requirement to enter search data on new registered deeds for those Wards in the Country Books and Indexes. The Procedures Manual in use since February 1987 documents these procedures. Unless legislative changes are made it is NOT legal to use the results from searches using the automated indexes for Diego Martin and St. Ann's Wards.

9. Records Retention Policy

- a. A rigid retention policy for each type of document used within the Ministry must be developed and adhered to. If documents are no longer required in the system, either because they have been superceeded, microfilmed, or included in the automated system they should be removed. (Either destroyed or moved to other low cost storage). This is essential as we move towards an automated system.
- b. The Registrar General was given this task by the Working Group.

Size and Quality of Paper.

- a. A specification should be produced on the size and quality of paper used both within the department and accepted by the department. This is essential if records are to be microfilmed. The design of all internal forms should be examined and changed if they do not meet today's requirements.

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- b. This proposal should be prepared by the Registrar General.

10. Briefing of Law Society

- a. General. To ensure that the automated system is well received and understood when the 1981 Act is promulgated it is essential that the Public become aware of the improvements that are being offered. The first step in this public relations effort should be the briefing of the Law Society in order to gain their confidence, cooperation, and to take advantage of their experience.
- b. The President of the Law Society was contacted and invited to attend a briefing, with as many of his members that are available, at the National Computer Agency conference room at 2.30p.m. on Thursday, November 19, 1987.

11. Contents of Briefing

- a. Attorney General. Welcome the members of the Law Society, introduce the topic, stress the significance of the Government program, and request co-operation from both the Law Society and individual members.
- b. Mr. Currie. Present an overview of the system and explain the current status.
- c. Mr. Williams. Demonstrate several trial searches using both the automated indexes and an on-line computer terminal.

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12. Capturing Search Data.

- a. General. The initial intention, as outlined in the 1984 Feasibility Study, was to prepare a detailed plan for capturing the search data from future searches and certain files of those law firms that were willing to co-operate.
- b. It has been decided, after checking searches conducted by private firms, that it would be very time consuming to verify the accuracy of these searches. In addition when the 1981 Act is promulgated, any searches conducted by the Land Registrar must be certified. If the data is incorrect then legal action may be undertaken by the client. It was therefore decided that the data provided by searches conducted by private firms would NOT be recorded until the 1981 Act is in effect.
- c. The only useful search data that can be captured during the interim period is from those searches conducted for the Ministry by the search clerks from the Chief State Solicitor's Office.

13. Capturing Search Data

- a. Arrangements were made between the Permanent Secretary and the Chief State Solicitor that any searches conducted by the four search clerks employed by the Chief State Solicitor on Diego Martin and St. Ann's Wards would be done using the automated indexes.
- b. It was also agreed that any searches conducted on either the automated indexes or the old manual system would use information for the deeds that have been recorded on microfilm - either directly from the microfilm reader or by using a bond paper copy produced on the microfilm reader-printer.

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- c. In effect, until such time as all indexes, for all Wards, for a twenty-year period have been entered into the system and verified the only search information that will be stored will be those done by search clerks in the Office of the Chief State Solicitor.
- d. A meeting was held with Mr. Anthony Seenath, senior search clerk, Chief State Solicitor, to discuss the procedures to be followed. Mr. Seenath and the other clerks will work directly with Mr. L. Williams, Project Leader. Mr. Williams will arrange access to microfilm readers, reader printers, microfilm copies and on-line computer searches. In return the search clerks will provide all information from their searches.

14. Storage of Information

- a. Initially the information will be stored in a manual file until there is sufficient data to input into the computer (perhaps one year of searches - it will depend upon volumes).
- b. To ensure that searches are not repeated a list of all properties with a certified title would be maintained in the Search Room (and made available to the Public, so that new searches of these properties would not be required).

15. Information Stored.

- a. All information produced by the search clerks and verified by Ministry employees will be stored in a manual file as received.

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- b. From these files the following data will be extracted on a data entry form for later entry into the computer system:
  - (1) Land information - lot and plan number, locality, ward, county, reference to a survey plan.
  - (2) Ownership details
  - (3) Mortgages, leases, etc.
- c. If there is no approved survey plan available the data will still be retained with a code to indicate that no survey plan was available at that time. It can be added at a later date.

RECOMMENDATIONS

16. General. Some recommendations have been discussed in detail in the body of this report, therefore they will only be listed here. Rationale for other recommendations is provided in more detail.
17. Promulgation of 1981 Act. It is recommended that action be taken now to announce that the effective date of promulgation of the 1981 Act is January 1, 1990. By this date all the data for the designated periods for searches for Deeds, Wills, Lis Pendens, and Judgements will have been entered into the automated system and validated. Announcement of the effective date is essential in order to prepare the Public for the new system and also to set milestones for completion of the project. It would also permit realistic forecasts to be made for the funds required to implement the project.
18. Appointment of Land Registrar
  - a. It is recommended that the Land Registrar be appointed as soon as practicable. It is essential that the Office of the Land Registrar be fully manned and operational on the date the Act is in effect. This can only be done if the officers and staff have experience. The Report of the Working Group on the Implementation of the 1981 Act (dated August 20, 1982) was approved by the Attorney General and Cabinet. It contains a list of duties and recommended staff for both the Office of the Registrar General and the Land Registrar. If a Land Registrar is appointed now he could gradually take over the responsibilities for land registration from the Registrar General (including the current staff now employed on these duties). It would also provide an opportunity for both the Land Registrar and the Registrar General to review their personnel and accommodation requirements prior to the split of responsibilities.

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- b. It is also recommended that the appointee be a young aggressive lawyer with no pre-conceived ideas. This is a new field. You require an individual who is not set in his ways and young enough to stay in the position for a long period - and grow with the job. Attitude is more important than experience.

19. Location of Office of Land Registrar. In the 1982 Report of the Working Group it was recommended that the Registrar General remain in the Red House and that new accommodation be found for the Land Registrar. This decision was based upon a feeling that it would be difficult to find suitable accommodation in the Red House for both microfilm equipment and the computer operation. Both units are now located in the Red House and it would prove expensive to re-locate them. In addition, the majority of the records and documents now stored in the Red House are used in land registration. In view of these factors it is recommended that accommodation in the Red House be allocated to the Office of the Land Registrar and that alternative accommodation be found for the Registrar General prior to January 1, 1990.
20. Surveyor Resources. This subject is discussed in more detail under the Survey Plan. In essence, the services of land surveyors are indispensable to the success of this program, yet the Minister has no control over the surveyor resources. It is recommended that the Director of Surveys and his staff become a part of the Ministry, or that a sufficient number of surveyors be allotted to the Ministry of Legal Affairs on a full time basis until such time as the four point survey plan has been completed (approximately 10 years).
21. Changes to Legislation. A number of changes to current statutes may be required to ensure that searches conducted using the automated indexes and computer terminal can be considered legal. These have been discussed in detail in the body of the report e.g., legality of microfilm, length of search period, use of automated indexes, elimination of manual system, etc. It is recommended that the required changes to existing statutes be made as soon as practicable.

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22. Role of the Working Group

- a. Over the four years that I have been involved with this project I believe that the Working Group have gradually become less intimately involved with the project and no longer provide the firm direction required to ensure that the measures outlined in the 1981 Act are implemented as soon as possible.
- b. I suspect that this is due in part to the changeover of key personnel in both the Ministry of Legal Affairs and the Working Group itself.
- c. This report provides guidance and recommendations basically to hasten the implementation of the technical and systems aspects, however, there are many other areas that are equally important that have been neglected e.g., Provision of posts and personnel upon separation of Land Registry from the Office of the Registrar General, accommodation, changes to legislation, etc.
- d. The Report of the Working Group in August 1982 was an excellent document. Some of the information is no longer valid or has been superceded, however it does address most of the problem areas and suggest broad recommendations.
- e. It is recommended that the Working Group review the August 1982 Report of the Working Group and all I.D.R.C. Reports from July 1984 to the present, and then prepare a list of tasks that are still to be completed. The Working Group, could then provide direction on solving these problems.

CONCLUSION

23. The project has reached the stage where concrete results are in view. If the temporary personnel approved for data input and quality control are trained and working by April 1, 1988 all data for the required period will have been input and verified for use of the automated indexes by January 1, 1990.

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24. *If the remaining recommendations are approved and implemented the system of automated searches can be the normal method under the new Act.*

ANNEXES

- A - *Terms of Reference of Project Leader*
- B - *Estimated Cost of Making a One Page Copy from Microfilm*
- C - *Survey Plans under The Land Registration Act and Preparations for its Implementation*

GUIDE TO DUTIES  
PROJECT LEADER, LAND LAW REFORM PROJECT  
TEAM

PROJECT LEADER

Effective November 10, 1987, Mr. Lloyd Williams is assigned Project Leader of the Land Law Reform Project Team. In this capacity he is responsible to the Permanent Secretary through the Working Group and will report (monthly) to the Permanent Secretary on the operation of the Team, i.e., progress, problems, possible solutions, etc. He is required to copy the Report to the Registrar General.

TASKS

*Specific:*

- (i) To establish and maintain a fully automated system (land records) in the Ministry of Legal Affairs.
- (ii) To prepare the Ministry, as quickly as possible, to carry out its tasks when the 1981 Act comes into operation. Tasks must be done according to a specific schedule.
- (iii) Establish close liaison with the Registrar General in so far as "staff" is concerned, i.e., administrative matters.

*General:*

- (i) Co-ordinating the preparation of automated indexes and data input of information in Country Books, etc., with the National Computer Agency (NCA).
- (ii) Directing and supervising the work of the Microfilm Unit, the Data-Entry Unit and the Quality Control Unit.
- (iii) Liaising with the Registrar General in the preparation of any changes to legislation required to implement the plan, e.g., legality of microfilming.

- (iv) Training of Search Clerks in the use of the new system.
- (v) Implementing a detailed plan for the capture of search data from future searches done by the Ministry and law firms.
- (vi) Liaising with the Registrar General, Law Society, Law firms, etc. to expedite the implementation of the plan.
- (vii) Liaising with the Director of Surveys to ensure that the approved four-point plan is brought into the RPO in a timely and logical manner.
- (viii) Assisting the Permanent Secretary in the preparation of the annual Budget in so far as it relates to the Unit.

#### IMPLEMENTATION PLAN

The approved implementation plan is outlined in a feasibility study dated July 20, 1984 (IDRC File 3-A-83-4320) and subsequent reports by Mr. Currie dated: December 12, 1985; March 26, 1986; November 7, 1986; and February 26, 1987.

17th November, 1987

  
Permanent Secretary,  
Ministry of Legal Affairs.

N.B.: Revised after Special Meeting on 16th November, 1987.

ESTIMATED COST OF MAKING A ONE PAGE PAPER COPY FROM MICROFILM

	<u>Cents</u>
1. Paper	4.50
2. Toner	26.50
3. Electricity	2.30
4. Bulb replacement - copier	2.50
5. Depreciation on Copier (10 years)	4.28
6. Film	2.16
7. Chemicals	0.26
8. Depreciation on Camera (10 years)	0.25
9. Depreciation on Processor (20 years)	2.12
10. Depreciation on other equipment	0.35
11. Misc. Expenses	1.10
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	46.32
Labour	34.00
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	80.27
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Inflation not included

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<u>Back-up for Above Charges</u>	<u>Cents</u>
1. Paper \$22.50 per 500 pages	4.5
2. Toner \$795.00 per 3000 prints	26.5
3. Bulb replacement - \$50 plus \$150 service charge. Usage \$100 per hour. 40 prints per hour	2.5
4. Depreciation - Copier \$13,564 @ 10% = \$1356.40 \$113.03 per month \$5.14 per day 3 hours per day at 120 copies	4.28
5. Film \$54.00 per roll 2500 images per roll	2.16

**SOME PROBLEMS WITH RESPECT TO AVAILABILITY OF SURVEY PLANS**

**under**

**THE LAND REGISTRATION ACT**

**and**

**PREPARATIONS FOR ITS IMPLEMENTATION**

A person who seeks to bring lands under the governance of the Land Registration Act No. 24 of 1981 will be required to lodge with his application on that behalf, inter alia, "a map or plan of the land prepared and certified as may be prescribed" (section 33(2)(d)) and the draft Land Registration Rules provide that "every map or plan required for purposes of the Act shall be prepared and certified as specified by the Land Surveyors Act and rules made thereunder" (Rule 11). These provisions exactly conform with the existing provisions of the Real Property Ordinance Chap. 27 No. 11 section 34 of which states that -

"Every map, plan or diagram required for the purposes of this Ordinance shall be prepared and furnished in the manner specially provided for the purpose by the Land Surveyors Ordinance and by rules made thereunder."

The rules made under the Land Surveyors Ordinance Ch. 27 No. 2 make provisions with reference to the construction by land surveyors of their survey plans, the scale to which plans must be drawn, boundary lines to be run by the Land Surveyor as well as information to be supplied concerning the location of the County and Ward within which the parcel is situated. Land Surveyors are required to certify their plans. Rule 72 directs the Registrar General and by that token, the Land Registrar, before issuing any certificate of title, or before receiving any application or transfer on which a plan is required to be supplied -

". . . to require the applicant to forward to the Director of Surveys the plan in duplicate (or triplicate if necessary) prepared by the Land Surveyor. The Director of Surveys shall examine the plan and duplicate, and, if satisfied that they correctly represent the land referred to in the instrument to be registered and that they have been constructed in accordance with rule 70, he shall certify that they are correct by attaching his signature to each, and shall then return the plan in duplicate to the applicant."

The following Rules 73 and 74 provide as follows:-

"(73). The signature of the Director of Surveys on the plans shall be tantamount to a notification that they have been examined as stated above.

(74). When the instrument and plans have been accepted for registration, the Registrar General shall immediately transmit the duplicate plan to the Director of Surveys who shall, if practicable, cause the position and boundaries of land shewn on such plan to be denoted on the Cadastral Maps of the Colony by tinting it pink and surrounding it by a light pink border, and shall notify the Registrar General when this has been done."

As under the Real Property Ordinance (Sections 142 and 143) so under the Land Registration Act (Section 63) a certificate of title issued by the Land Registrar becomes, with limited exceptions, conclusive evidence of the matters stated therein both as to title and as to the lands therein referred to, and the Insurance Fund becomes liable for any consequential losses sustained as a result of error or omissions made by the Land Registry. These facts render it obligatory that survey plans receiving the certificate of the Director of Surveys should be of the highest degree of accuracy possible.

In light of the foregoing and in anticipation of the commencement into operation of the Land Registration Act the state of survey plans with respect to four classes of land in Trinidad and Tobago call for special attention.

Class (1). These are lands that have been surveyed and are already checked by the Director of Surveys. Examples of such lands are lands developed for housing settlement by the National Housing Authority, State Lands and places such as Diamond Vale and Waller Field.

Class (2). To this class belong some recent housing developments such as Valsayn, Westmoorings-by-the-Sea, Santa Rosa Heights, Blue Range, in which surveys have been completed by private land surveyors, but the plans have not been checked by the Director of Surveys.

Class (3). These are sub-divisions which may take place in the future pursuant to Act No. 10 of 1986, Law Reform (Property) Act, and finally,

Class (4). These include rural areas in both Trinidad and Tobago in which properties pass from one generation to the next without benefit of probate, letters of administration or surveys, but nevertheless the occupiers have lived together free from disputes concerning title and boundaries. In this class may also be included built-up urban and sub-urban areas.

Class (1) lands present no technical problems. The relevant survey plans already exist and have already been checked by the Director of Surveys. The respective owners may even now of their own volition seek to bring their holdings under the Real Property Ordinance, the Director of Surveys being able upon request to respond to the requirements of Rule 72 of the Land Surveyors Rules without difficulty. When the Registration Act comes into operation the areas in which these lands are located could one after the other be declared compulsory registration areas under section 28 of the Act and upon certification by the Director of Surveys of the respective survey plans pursuant to Rule 72 of the Land Surveyors Rules the Land Registrar, all other statutory requirements being met would issue his certificates of title.

Class (2) lands present a problem of no great weight. The surveys do exist but to date they have not been checked by the Director of Surveys. These lands are well defined. The respective areas are divided by intersecting roadways along which residences have been built and are separated by fences. These areas could also be declared compulsory registration areas and certification of the respective survey plans by the Director of Surveys would present no technical problems. There may be a problem arising out of the considerable number of the individual lots in these areas, but this is a problem of manpower only. No legislation is needed.

Class (3) lands would be automatically transferred on to the Land Registration system from the Real Property Ordinance system when the former is brought into operation. If they come however directly onto the land registration system, then no problem would or could arise. The requirement as to surveys would already have been met. No further legislation would be needed.

Class (4) lands do present some problems. They are lands in respect of which there are no surveys and these are an indispensable requirement of the Land Registration Act. The statutory guarantee of

title evidenced in every certificate of title issued by the Land Registrar and the integrity of the Insurance Fund demand that the exercise of survey be faithfully and accurately carried out. The absence or likely absence of disputes over title or boundaries between adjoining owners renders the survey exercise easier but does not dispense with the need for it. It is such a situation as this that subsection 8 of section 28 of the Land Registration Act contemplates. It enables the Minister -

"to cause such survey or surveys to be made in respect of the area designated by an order made under subsection (1) (compulsory registration area order) as he may think necessary or convenient for giving full effect to the order or for carrying it into effect."

In short the Minister intervenes where such intervention become necessary and directs the Director of Surveys to undertake or cause to be undertaken the necessary surveys of such areas in order that the objectives of his compulsory registration area order may be carried out.

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