

GIBRALTAR LAND TITLES ACT, 1990**Repealed by Act. 2011-06 as from 24.10.2011****Principal Act**

Act. No. 1990-33	<i>Commencement</i>	8.11.1990
	<i>Assent</i>	1.11.1990

Amending enactments	Relevant current provisions	Commencement date
Act. 2007-17	ss. 3(4), 4(1) & (2)	14.6.2007

English sources

None

1990-33
Repealed

Gibraltar Land Titles

ARRANGEMENT OF SECTIONS.

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AN ACT TO PROVIDE FOR THE REGISTRATION OF DEEDS AND WILLS WHICH RELATE TO LAND SITUATE IN GIBRALTAR, THE MAINTENANCE OF A RECORD OF LAND TRANSACTIONS AND MATTERS ANCILLARY THERETO.

Title and commencement.

1. (1) This Act may be cited as the Gibraltar Land Titles Act, 1990.

(2) This Act shall come into operation on such day as the Governor may by notice in the Gazette appoint and different days may be so appointed for different purposes.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“deeds” include all instruments in writing other than wills or testamentary writings;

“lands” include messuages, tenements and hereditaments of any tenure, and to any part, share, estate, right, title or interest therein:

“Land Titles Register” has the meaning given to it by section 4:

“Registrar of Land Titles” means the person appointed by the Government for the purpose of administering the Land Titles Register.

Registration of deeds and wills in the Supreme Court.

3. (1) All deeds and wills executed before or after the coming into operation of this Act, which in any way affect or relate to any land situate in Gibraltar, shall be registered in the Supreme Court.

(2) Where such deeds shall be executed in Gibraltar the same shall be so registered within six months from the date of execution thereof and in cases where the same have been executed out of Gibraltar, they shall be so registered within eighteen months from the day of the date of execution thereof.

(3) All wills shall be so registered within six months from the day of the death of the testator in cases where he shall have died in Gibraltar or within eighteen months from the day of his death in cases where he shall have died out of Gibraltar.

(4) No such deed shall be so registered or have any legal operation or effect unless—

- (a) in the case of a deed executed prior to the coming into operation of this Act, the provisions of paragraph 4 of the Land (Titles) Order 1888 have been complied with and any approval of the Government has been signified by some memorandum in writing annexed to or endorsed upon such deed and signed by the Chief Secretary; or
- (b) in the case of a deed executed after the coming into operation of this Act, and which concerns any grant, demise, lease or conveyance of land for a period exceeding three years, it has been recorded in the Land Titles Register and has been endorsed to that effect by the Registrar of Land Titles.

(5) Subject to subsection (6), where any deed or will shall not have been so registered in accordance with the provisions of this section, any interest in any lands in any way affected by such will or deed which, subsequent to the period specified in subsection (2) and (3), has been registered in the Supreme Court, shall have priority and prevail over any right, title or interest purported to be created by such deed or will, insofar as the same would relate to or affect, or may be intended to affect any land in Gibraltar:

Provided that in any case where such deed or will shall not have been registered within the time hereinbefore appointed it may be so registered and if so registered shall be subject to the provisions of this subclause.

(6) Any deed or will, the registration of which in accordance with subsection (2) and (3) should have been completed before the date on which this Act shall have come into operation, and has not been so completed, shall be absolutely void and of no effect, so far as the same relates, or affects, or may be intended to affect any lands in Gibraltar:

Provided that in any case where any such deed or will shall not have been registered within the time hereinbefore appointed. the Supreme Court may order the registration of any such deed or will, notwithstanding that the time hereinbefore appointed for the registration shall have elapsed, upon such terms as to cost and expenses as it in its discretion shall think fit.

(7) Any application made under subsection (6) shall be made to the Supreme Court by Originating Summons, and the Attorney-General shall be made a party to all such applications.

(8) A deed or will registered pursuant to an order of the Supreme Court made pursuant to an application under the proviso to subsections (5) and (6)

shall have the same effect and be as valid as if such deed or will had been registered within the time prescribed by the Land (Titles) Order, 1888.

Land Titles Register.

4. (1) The Government may by notice in the Gazette appoint a person to maintain a record (herein called the “Land Titles Register”) of any grant, demise, lease or conveyance of any land in Gibraltar for any term exceeding three years.

(2) The Government may make regulations for the conduct and administration of the Land Titles Register and without prejudice to the generality of the foregoing such regulations may provide for—

- (a) the form of an application for an entry in the Register;
- (b) the form of the endorsement under section 3(4)(b);
- (c) the documents to be supplied to the Registrar of Land Titles in support of an application for an entry in the Register;
- (d) the form of the Register of Land Titles;
- (e) the creation of offences in respect of breaches of any provisions of the Act, punishable on summary conviction by a fine not exceeding £5000;
- (f) any fees payable in connection with the making of entries in the Register of Land Titles or the inspection of or taking of extracts from that Register.

Proof of execution of deeds.

5. No deed shall be registered in the Supreme Court after the 31st day of December 1934, unless the execution thereof is duly proved by one or more affidavits or other credible evidence to the satisfaction of the Registrar of the Supreme Court.

Certified office copy of order of Court.

6. Notwithstanding any other provisions of this Act, where the written instrument is a document which is an order of the Supreme Court of which the original is retained by the Court, a certified office copy of such document shall for all purposes of this Act be deemed to be the original instrument, and in cases where such certified office copy of a vesting order has been used as an original instrument such certified copy shall be deemed to be valid and of full effect for all such purposes.

Presumption of due execution.

7. Any deed duly registered in the Supreme Court under the Land (Titles) Order, 1888 or under this Act after the 31st day of December 1934, shall in all proceedings be presumed to have been duly executed unless the contrary is proved.

Certified copies.

8. (1) Any person may require a certified copy of or extract from any deed or will registered in the Supreme Court under the Land (Titles) Order 1888, or under this Act, and thereupon a certified copy or extract signed by the Registrar of the Supreme Court shall be given to such person subject to payment of the prescribed fee.

(2) Every such copy or extract so certified may be received in all proceedings as prima facie evidence of the contents of such deeds or will and of the fact and date of registration shown thereon.

Rules for registration in the Supreme Court.

9. The Chief justice may make rules prescribing the requisites for and the manner of registration of deeds and wills in the Supreme Court and without prejudice to the generality of the foregoing such rules may provide for—

- (a) the forms of application for registration;
- (b) the form of the certificate of registration to be endorsed on the deed or will;
- (c) the making and binding of copies of deeds and wills;
- (d) the maintenance of a register and an index of deeds and wills;
and
- (e) the fees to be paid for registration.

Licence of Her Majesty to grants, etc not necessary.

10. The express licence and authority of Her Majesty shall not be necessary for any grant or lease made by the Governor of any lands in Gibraltar belonging to Her Majesty, and no recital that such licence and authority has been given shall be necessary in any such grant or lease.

Amendment to Licensing and Fees Act.

Section 11 amends Schedule 2 item 2(c), (d) and (e) of the Licensing and Fees Act.

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Repealed

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