

JAMAICA

No. 34 - 2013

I assent,

[L.S.]

(Agd.) P. L. Allen
Governor-General.

17th December, 2013

AN ACT to Amend the Registration (Strata Titles) Act.

[18th December, 2013]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Registration (Strata Titles) (Amendment) Act, 2013, and shall be read and construed as one with the Registration (Strata Titles) Act (hereinafter referred to as "the principal Act") and all amendments thereto. Short title and construction.

Amendment —
of section 4 of
principal Act.

2. Section 4 of the principal Act is amended in subsection (5), by deleting the words “the corporation” and substituting therefor the words “the Commission”.

Amendment
of section 5A
of principal
Act.

3. Section 5A of the principal Act is amended by deleting subsection (2) (e), and substituting therefor the following—

“(e) that the proprietor, if aggrieved by the amount stated in the notice as the contribution owing by the proprietor, may lodge an appeal if the proprietor has paid at least fifty percent of the contribution owing as shown on the statement of account provided by the corporation for the strata lot.”.

Insertion of
new section
5EA in
principal Act.

4. The principal Act is amended by inserting next after section 5E, the following as section 5EA—

“Proceedings
on certificate
of Title being
cancelled,
etc.”

5EA.—(1) In the circumstances specified in subsection (2), the corporation may apply to the Registrar of Titles to cancel the certificate of title (hereinafter called the “former certificate of title”) for any strata lot within the corporation’s responsibility and to register a certificate in duplicate in the name of the registered proprietor or the transferee under the corporation’s power of sale, in place of the former certificate of title and duplicate.

(2) The corporation may make an application under subsection (1) where—

- (a) the corporation has exercised or intends to exercise its power of sale;
- (b) the corporation has never had custody of the duplicate certificate of title and needs to produce title to the purchaser;
- (c) the corporation has, by notice issued in accordance with section 5F, requested the duplicate certificate of title from the

registered proprietor, any mortgagee or any other person whom the corporation has reason to believe may have custody of the duplicate certificate of title; and

- (d) the duplicate certificate of title is not produced at the end of fourteen days after service of the request.

(3) An application made under subsection (1) shall include proof to the satisfaction of the Registrar of Titles by statutory declaration of the corporation with exhibits in support evidencing that, before making the application, the corporation first requested in writing, the production of the duplicate certificate of title from the registered proprietor, mortgagee or any other person whom the corporation has reason to believe may have custody of the duplicate certificate of title and the request was not complied with.

(4) Before disposing of an application under subsection (1), the Registrar shall first give at least fourteen days' notice of his intention to do so—

- (a) by publication at least once per week for two consecutive weeks, in at least one newspaper in daily circulation throughout Jamaica; and
- (b) in such other manner, if any, as the Registrar thinks fit.

(5) On proof being furnished to the Registrar in accordance with subsection (3), and on the expiration of the notice periods referred to in subsection (4) without cause being shown to the satisfaction of the Registrar against the application, the Registrar shall cancel the former certificate of

title and register such new certificate in duplicate in the name of the registered proprietor or the transferee under the corporation's power of sale, in place of the former certificate of title and duplicate.

(6) An application made under subsection (1) may be combined with an application under section 81 of the Registration of Titles Act to dispense with the production of the duplicate certificate of title.

(7) For the avoidance of doubt, subject to this section, an application under this section shall for all intents and purposes be processed in accordance with sections 81 and 82 of the Registration of Titles Act.”

Amendment of
section 5G of
principal Act.

5. Section 5G of the principal Act is amended by deleting subsection (2).

Passed in the House of Representatives this 12th day of November, 2013.

MICHAEL A. PEART
Speaker.

Passed in the Senate this 29th day of November, 2013.

FLOYD E. MORRIS
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.