



LANDS & SURVEY DEPARTMENT

P.O. Box 272 | Brades, MSR1110 | Montserrat | Tel: 664 491-3669/3620

Email: surveys@gov.ms

Ref: Circular Letter 21/02/2024

INTERPRETIVE GUIDELINES TO STAKEHOLDERS

The following Interpretive Guidelines are issued in accordance with the statutory mandate and requirements of the Registered Land Act Cap 8.01. While these administrative guidelines have been issued as a means to more efficiently administer the Land Registry, they do not replace the express provisions of the Registered Land Act CAP 8.01. of the Laws of Montserrat.

1. APPLICATIONS & FORMS

Users of the services of the Lands and Survey Department are required to utilize the prescribed forms **R.L. 1-26** where applicable for all transactions with the Land Registry. All required fees must be paid before applications will be processed. Where there are no prescribed forms, users may make applications by letter addressed to the **Registrar of Lands, P.O Box 272, Brades, MSR1110, Montserrat.**

2. EMAIL APPLICATIONS

The Land Registry may accept applications lodged by email for processing. Only documents and instruments scanned in PDF format may be attached to emailed applications. Applicants must ensure that scanned documents are in an upright position and in sequence. Applicants are required to file all original documents as soon as reasonably practicable after lodging by email but prior to completion of any relevant transaction with the Land Registry.

3. INSPECTIONS & SEARCHES

Users of the services of the Lands and Survey Department are required to conduct their own searches and inspections of the register after submission of the completed prescribed **Form R. L. 22** and payment of the prescribed fees where applicable. Staff of the Land Registry are not permitted to inspect and conduct searches on behalf of applicants nor agents nor attorneys. All due diligence checks of the public records at the Lands and Survey Department are the responsibility of applicants and their agents or attorneys.

4. AGENTS

A person purporting to act as agent of an applicant is required to file a Power of Attorney in the prescribed **Form R.L. 17**. The Registrar is not permitted to accept any instrument executed on behalf of a principal by an

agent unless accompanied by the required power of attorney in Form R.L. 17. In the case of a person purporting to act for a minor or a person under a disability, the person so acting is required to file the appropriate court or other order authorizing him to do so.

5. WITNESS AS TO DUE EXECUTION

All instruments in **Forms R.L. 1-20** and any other document or instrument required to be filed and witnessed must be executed in the presence of a credible witness who must endorse the instrument with their name, address and occupation and sign the instrument under the words “*in the presence of*” **UNLESS** the notary public in whose presence the instrument is executed knows the person executing the instrument personally.

6. VERIFICATION OF INSTRUMENTS

Whether an instrument has been endorsed by a credible witness or not, a public officer or notary public is required to certify all instruments executed in his presence with the following form of certificate as prescribed, with the necessary modifications:

“Signed in my presence by..... who is/are known to me/who has/have been satisfactorily identified to me and who acknowledge/s that he/she/they has/have freely and voluntarily executed this instrument and understand its contents.”

7. VERIFICATION OF IDENTITY

All applications and instruments required to be filed at the Land Registry must be accompanied by photo identification of the persons executing the application or instrument. All applicants must provide evidence of their British Overseas Territory (Montserrat) Citizenship where applicable.

8. ADDITIONAL REQUIREMENTS

The Registrar may require applicants to provide additional documents, instruments or explanations and information in support of any application.

9. HOURS

The Land Registry is open to the public for conduct of business between the hours of **8.00 am to 2.00 pm** Monday to Friday except on public holidays.

10. CONTACT

Persons may contact the Lands and Survey Department by emailing surveys@gov.ms or Telephone 1-664-3669/3620 for further enquiries or clarification with respect to these guidelines or any of our services.

Dated this 21st day of February 2024.

REGISTRAR OF LANDS