Seychelles

Land Registration Act

Land Registration Rules
Statutory Instrument 12 of 1967

Legislation as at 1 December 2014
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Land Registration Rules

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Land Registration Rules

Seychelles

Land Registration Act

Land Registration Rules
Statutory Instrument 12 of 1967

Commenced on 27 February 1967

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


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 45 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

<table>
<thead>
<tr>
<th>Edition:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Opened:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Registration District</th>
<th>Beneficial Easements, etc.</th>
<th>Nature of Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Area</th>
<th>Acres</th>
</tr>
</thead>
</table>
### B – Proprietorship section

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Name of proprietor</th>
<th>Address of proprietor</th>
<th>Signature of Registrar</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Title No.

### C – Encumbrances section

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Name of encumbrance</th>
<th>Address of proprietor</th>
<th>Signature of Registrar</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
## Form 2

### A – Property section

<table>
<thead>
<tr>
<th>Edition:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Opened:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Registration District</th>
<th>Particulars of Lease</th>
<th>Nature of Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lessor:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lessee</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Rent: Term: Form:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

### B – Proprietorship section

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Name of Proprietor</th>
<th>Address of Proprietor</th>
<th>Signature of Registrar</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Title No.</th>
<th></th>
</tr>
</thead>
</table>

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C – Encumbrances section

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Name of encumbrance</th>
<th>Address of proprietor</th>
<th>Signature of Registrar</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

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 sent 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.)
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 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

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. For registration, in respect of each title affected, of</td>
<td>SR</td>
</tr>
<tr>
<td>(a) Transfer or Transmission</td>
<td>100.00</td>
</tr>
<tr>
<td>(b) Lease or sublease</td>
<td>100.00</td>
</tr>
<tr>
<td>(c) Surrender or cancellation of lease or sublease</td>
<td>100.00</td>
</tr>
<tr>
<td>(d) Extension or variation of lease or sublease</td>
<td>100.00</td>
</tr>
<tr>
<td>(e) Charge</td>
<td>100.00</td>
</tr>
<tr>
<td>(f) Discharge or variation of charge</td>
<td>100.00</td>
</tr>
<tr>
<td>(g) Easement or restrictive agreement</td>
<td>100.00</td>
</tr>
<tr>
<td>(h) Release of easement or restrictive agreement</td>
<td>100.00</td>
</tr>
<tr>
<td>(i) Assignee in bankruptcy or insolvency</td>
<td>100.00</td>
</tr>
<tr>
<td>(j) Liquidator of company</td>
<td>100.00</td>
</tr>
<tr>
<td>(k) Power of attorney</td>
<td>100.00</td>
</tr>
<tr>
<td>(l) Renovation or renunciation of power of attorney</td>
<td>100.00</td>
</tr>
<tr>
<td>(m) Inhibition by court</td>
<td>100.00</td>
</tr>
<tr>
<td>(n) Caution</td>
<td>500.00</td>
</tr>
<tr>
<td>(o) Restriction, on application by an interested party</td>
<td>500.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(p) Court order</td>
<td>100.00</td>
</tr>
<tr>
<td>(q) Executor or fiduciary appointment</td>
<td>100.00</td>
</tr>
<tr>
<td>(r) Change of name</td>
<td>100.00</td>
</tr>
<tr>
<td>2. For opening new registers on a partition or Subdivision, for each new parcel resulting</td>
<td>100.00</td>
</tr>
<tr>
<td>3. On the combination of parcels</td>
<td>100.00</td>
</tr>
<tr>
<td>4. On conversation of title under section 21(1) of the Act</td>
<td>100.00</td>
</tr>
<tr>
<td>5. On application to inspect under section 27(1) of the Act</td>
<td>100.00</td>
</tr>
<tr>
<td>6. For a certificate of official search under section 27(2) of the Act</td>
<td>100.00</td>
</tr>
<tr>
<td>7. For certificate copies of instruments, for every folio of 15 lines or part thereof</td>
<td>50.00</td>
</tr>
<tr>
<td>8. For certified copies of registry map or of a filed plan, Per square foot or part thereof</td>
<td>100.00</td>
</tr>
<tr>
<td>9. Attestation fee, payable to notary, for each execution attested</td>
<td>500.00</td>
</tr>
</tbody>
</table>