

THE FACILITIES FOR TITLE ACT
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FACILITIES FOR TITLE

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SCHEDULES

THE FACILITIES FOR TITLE ACT

Laws
37 of 1955,
39 of 1957.

[8th September, 1955.]

Preliminary

1. This Act may be cited as the Facilities for Title Act. Short title.
2. In this Act, unless the context otherwise requires—

Interpreta-
tion.

“agency” means an approved lending agency nominated in accordance with section 40;

“agricultural purpose” includes any purpose for the encouragement or promotion of agricultural, horticultural or pastoral activities, afforestation, apiculture, fishculture or ~~the keeping or breeding~~ of livestock or poultry;

“compensation” means compensation from the Compensation Fund;

“Compensation Fund” means the Compensation Fund established under section 28;

“the date of deprivation” means the date on which the land in relation to which the expression is used vests under the provisions of this Act in an agency as mortgagee;

“land” means land in respect of which a loan or an application for a loan is made in accordance with the provisions of this Act;

“the Minister” means the Minister responsible for agriculture;

"mortgage" means any document operating as a mortgage and expressed to be made in reliance on the provisions of this Act, whether or not the same incorporates any other agreement or type of security;

"the necessary formalities" means the formalities prescribed by sections 4, 5, 6, 9 and 11;

"predecessors in title" includes all persons from or through whom an applicant for a loan derives legal or equitable title to the estate which he claims in the land;

"Resident Magistrate" means Resident Magistrate for the parish in which the land is wholly or in part situated;

"Resident Magistrate's Court" means Resident Magistrate's Court for the parish in which the land is wholly or in part situated.

Application for loan and procedure thereafter

Procedure
to be
followed
with respect
to loans.

3. Where a person applying to an agency for a loan for an agricultural purpose or for a purpose declared under section 40 to be an approved purpose is unable to show title under the Registration of Titles Act or a title at common law which satisfies the agency he may adopt the procedure hereinafter prescribed.

Documents
and parti-
culars to be
submitted.

First
Schedule.

4. The person applying for the loan shall submit to the agency—

- (a) an application in the appropriate form set out in the First Schedule, the particulars of which shall be verified by a statutory declaration made by the applicant; and

- (b) certificates in the appropriate form set out in the First Schedule from at least two persons of any one or more of the classes mentioned in the Second Schedule to the effect that within their personal knowledge the applicant for the loan is the reputed owner of an estate in fee simple in the land in respect of which the application is made and has been in continuous and undisturbed possession of the land by himself, his agents or tenants for a period of at least seven years or for a period which when added to any period or periods of continuous and undisturbed possession of the land by his predecessors in title as reputed owners in fee simple amounts to at least seven years and is in possession of the land on the date of the application; First
Schedule.

Second
Schedule.
- (c) receipts or a certificate from an officer duly authorized to issue the same showing payment of quit rents, property tax, rates and assessments on the land, by the applicant or by the applicant and his predecessors in title for a period of at least seven years immediately preceding the date of the application; 39/1957
S. 2.
- (d) all deeds and other documents in his possession relating to the title to the land.

5.—(1) If the agency is in favour of making a loan the agency shall cause notice of the application in the appropriate form set out in the First Schedule to be published in two consecutive ordinary issues of the *Gazette* and, as soon as may be convenient after the receipt of the application but not later than the date of first publication in the *Gazette*, the agency shall— Publication
of notice
of applica-
tion.
First
Schedule.

- (a) put up a copy of the notice in some conspicuous place on the land and in two other places at least in the vicinity of the land; and

- (b) send a copy of the notice by registered post to every person (other than the applicant) stated in the application to be an occupier of the land or to be an occupier or owner of any land contiguous thereto.

(2) The Government Printer may, in order to save expense, combine in one notice in such manner as may be convenient any number of notices received by him for publication in the *Gazette* under this section, so, however, that all the particulars required to be inserted in the notice in respect of each application are clearly and accurately stated.

Representative of agency to attend on land and note objections—acknowledgment of objections.

39/1957
S. 3 (a).

6.—(1) On the date and at the hour mentioned in the notice of application, which date shall be not earlier than the first publication of the notice in the *Gazette* nor less than ten nor more than twenty-eight clear days after copies of the notice have been sent by registered post as provided by section 5, the agency shall cause a representative duly authorized to act on its behalf, to attend on the land, view the same, check the boundaries thereof, make a valuation thereof and note any objection or information pertaining to the title or boundaries that may be stated or given by any person.

(2) Where from any cause beyond the control of the agency or its representative the latter is unable to attend on the land on the date mentioned in the notice of application the same or any other representative of the agency may subsequently attend on the land within three months of the first publication of the notice of application in the *Gazette* for the purposes specified in subsection (1), if notice of his intention so to do on a specified date and at a specified hour be sent at least ten clear days before the date of attendance by registered post, addressed to the persons to whom copies of the notice of application are required to be sent by registered post under subsection (1) of section 5.

(3) A representative shall on the occasion of his attendance on the land for the purposes specified in subsection (1) give—

39/1957
S. 3 (b).

- (a) to any person stating any objection pertaining to the title or boundaries of the land a written acknowledgment of the objection with the particulars thereof; and
- (b) to the applicant a copy of every objection noted by the representative.

7.—(1) No person shall notify to an agency or to any representative of an agency, or to any director, manager, agent or officer thereof, any objection to the acceptance of a mortgage (whether as to title, boundaries or any other matter) without having reasonable grounds for so doing.

Prohibition
of land
procedure
with respect
to frivolous
objections.

(2) Any person who notifies any such objection as aforesaid, without having reasonable grounds for so doing, shall be liable to the applicant affected as for a tort.

(3) If the applicant succeeds in any action instituted under subsection (2) the agency may, on receipt of a certificate disclosing the issues determined and the result thereof and signed by the Clerk of the Resident Magistrate's Court (whose duty it shall be to issue the same at the request of the applicant) disregard the objection and accept a mortgage from the applicant in accordance with the provisions of subsection (1) of section 9.

(4) In any subsequent application by the same applicant the agency shall disregard the objection or any renewal thereof.

8.—(1) Every representative of an agency and every director, manager, agent or officer thereof shall inform the agency in writing of any objection (whether as to title, boundaries or any other matter) which is made or communicated to him and of any knowledge which he may have

Duty of
officers and
representa-
tives of
agency to
disclose
knowledge
of
objections.

that any person is entitled to or claims an estate or interest in the land or a boundary adverse to the title of an applicant for a loan.

(2) The duty to inform the agency imposed by subsection (1) shall be sufficiently discharged if such representative, manager, agent or officer communicates all matters of or concerning which he is required under the said subsection to inform the agency to the body responsible for managing the affairs of the agency.

(3) Until so informed the agency shall be deemed not to have notice of any such objection or knowledge of any such adverse right or claim.

Circumstances in which a mortgage may or may not be accepted by an agency.

9.—(1) Subject to the provisions of subsection (2), an agency may accept a mortgage if it is executed after the expiration of thirty days and before the expiration of six months from the second publication of the notice of application in the *Gazette* in accordance with section 5 or from the date on which a representative of the agency attends on the land in accordance with section 6, whichever event be the later.

(2) An agency shall not accept a mortgage in any case where—

First
Schedule.

- (a) an objection as to title or boundaries has been notified to it, unless the objection has been withdrawn in writing in the appropriate form set out in the First Schedule; or
- (b) it has knowledge of an unsatisfied previous incumbrance affecting the land, unless the previous incumbrancer consents and the amount thereof is fully satisfied out of the proceeds of the mortgage accepted by the agency; or
- (c) it has knowledge that any person is entitled to or claims an estate or interest in the land or a boundary adverse to the title of the applicant.

10.—(1) A mortgage executed after compliance with the necessary formalities shall be valid for all purposes and shall, subject to the provisions of subsection (2), vest indefeasibly in the agency the estate in fee simple in the land, as mortgagee, and thereupon there shall be vested indefeasibly in the mortgagor the equity of redemption in the estate in fee simple in the land.

Effect of mortgage.

(2) The estate and interest of the mortgagor and the mortgagee shall be subject to all public rights of way, and to all easements acquired by enjoyment or user, or subsisting over or upon or affecting the land at the date of the mortgage and to all quit rents, taxes, rates and assessments unpaid at that date.

11. Every mortgage made in reliance on the provisions of this Act shall be expressed to have been so made, as a condition to enjoying the benefits and protection of this Act and operating as herein provided.

Mortgage under this Act to indicate that fact.

12. For the avoidance of doubt it is hereby expressly declared that the title to the land shall, after execution of a mortgage, be capable of being registered under the Registration of Titles Act and for the purpose of such registration the certificate provided for in section 13 shall be accepted as proof of the title to the land therein described.

Title may be registered.

13. A certificate in the appropriate form set out in the First Schedule signed by an officer of the agency duly authorized by the agency in that behalf to the effect that a mortgage has been duly executed and that the necessary formalities have been complied with in respect of that mortgage shall for all purposes including the bringing of the land under the operation of the Registration of Titles Act and in all legal proceedings be *prima facie* proof of the fact of the mortgage and that it relates to the land described

Certificate of compliance with the necessary formalities. First Schedule.

in the certificate and the mortgage and that the necessary formalities have been complied with and every such certificate shall be signed in the presence of and witnessed by a Justice of the Peace for the Island.

Registration
of Titles
Act to
prevail
over this
Act.

14. Where a mortgage is made in respect of land which is subject to the provisions of the Registration of Titles Act the operation of that Act shall not be affected by the provisions of this Act.

Mortgage to
secure further
or future ad-
vances or to
operate as
continuing
security.

15. A mortgage may be executed under this Act for the purpose of securing further or future advances or so as to operate as a continuing security.

Searches
by agency.

16. Nothing in this Act shall relieve any agency of the responsibility of making any necessary or prudent searches and enquiries in the Record Office and in the office of the Registrar of Titles.

Agency not
under
obligation
to make a
loan in
reliance
on the
provisions
of this Act.

17. An agency shall not be under any obligation to make a loan in reliance on the provisions of this Act to any person.

*Claims by persons deprived of land and procedure
thereafter*

Person
deprived of
land may
bring
action for
damages.

18.—(1) Any person deprived of land or of an estate or interest in land in consequence of the provisions of this Act may bring and prosecute an action for the recovery of damages against the person who, as mortgagor, executed the mortgage which resulted in his being so deprived.

(2) If the mortgagor is dead or has been adjudged bankrupt or cannot be found within the Island, or if the bailiff of the court in which judgment is entered certifies that the mortgagor is unable to pay the full amount awarded against him, the damages or the portion thereof which the

Bailiff fails to recover from the mortgagor, together with the costs of the action, may be recovered from the Compensation Fund by action against the Minister as nominal defendant.

(3) Any damages awarded against a mortgagor not guilty of fraud in making his application for a loan or in executing a mortgage and any damages recoverable out of the Compensation Fund shall be limited to the value of the land at the date of deprivation.

(4) A mortgagor who is a defendant in an action brought under subsection (1) may claim damages or an indemnity against a third party as in any other action.

19.—(1) Any person entitled to bring an action under section 18 to recover damages shall before commencing proceedings apply in writing to the Minister for compensation (stating the amount claimed by him) and the application shall be supported by affidavits or statutory declarations in proof of the claim.

Application to Minister for compensation may be made before commencement of action—procedure thereafter.

(2) The Minister may, with the consent of the Attorney-General, admit the claim or any part thereof, so long as the amount admitted does not exceed the value of the land at the date of deprivation and thereupon the amount claimed or admitted and accepted by the claimant shall be paid to him by the Accountant-General, on the order of the Minister, out of the Compensation Fund.

(3) Where any payment is made out of the Compensation Fund the Minister may proceed under section 18 as if he were the person deprived of the land or of an estate or interest therein (as the case may be) against any person who may be sued under the said section, and any amount recovered from any such person shall be paid to the Accountant-General to be lodged to the credit of the Compensation Fund.

(4) Any person to whom an amount has been paid out of the Compensation Fund shall not thereby be deprived of the right to bring an action against the mortgagor for any additional damages to which he may be entitled where the mortgagor has been guilty of fraud in making his application for a loan or in executing a mortgage.

Payment of additional compensation to avoid hardship.

20. Where the Minister, after consultation with the Attorney-General, considers that it would be just and equitable, because of exceptional circumstances, to pay to a claimant compensation exceeding the sum that would, but for this section, be recoverable or payable out of the Compensation Fund (whether pursuant to subsection (2) of section 18 or subsection (2) of section 19) the Minister may, with the consent of the Attorney-General, approve payment to the claimant, out of the Compensation Fund, of an additional sum not exceeding twenty-five *per centum* of the sum that would otherwise be recoverable or payable out of the Compensation Fund.

Notice of action to be served on the Minister.

21. Where any person wishes to bring an action for the recovery of damages against the Minister, as nominal defendant, such person shall serve notice in writing of the action and of the cause thereof upon the Minister at least one month before the commencement of the action, and if judgment is given in favour of the Minister, or the plaintiff discontinues the action or is non-suited, the plaintiff shall be liable to pay the full costs of defending the action and the costs, after being taxed, shall be recovered in the name of the Minister in the same manner as costs awarded in any other action.

Court to certify amount of damages and costs.

22.—(1) If in any action under this Act a plaintiff is awarded final judgment against the Minister, then the Judge or Resident Magistrate before whom the action is

tried, or the Court of Appeal in the case of an appeal, shall certify the fact of such judgment and the amount of damages and costs awarded.

(2) The amount of any damages and costs certified as provided by subsection (1) shall be paid by the Accountant-General out of the Compensation Fund to the person to whom the damages and costs have been awarded.

23.—(1) Subject to the provisions of subsection (2) no action for the recovery of damages sustained through deprivation of land, or of any estate or interest in land, shall lie or be maintained against the Minister as nominal defendant or against the Compensation Fund or against the mortgagor in consequence of whose mortgage the deprivation was suffered, unless such action is commenced within the period of six years from the date of such deprivation.

Limitation
of actions.

(2) Any person who has been under the disability of infancy or unsoundness of mind may bring an action for deprivation of land or of any estate or interest therein within six years after the date on which the disability ceased, but not later than thirty years after the date of such deprivation.

24. No compensation shall be paid to any person claiming in respect of an estate or interest in land which is barred as a result of the operation of the Limitation of Actions Act.

Limitation
on right to
compensation.

25. The plaintiff shall in any action for the recovery of land or of any estate or interest therein or for damages in any action (whether brought under section 18 or otherwise) for deprivation of such land or estate or interest therein be non-suited in any case in which the deprivation or wrong complained of has occurred as a result of the

Non-suit
on ground
of fraud or
negligence.

operation of this Act if the Judge or the Resident Magistrate before whom the action is tried is satisfied that the plaintiff or the persons through or under whom he claims title had knowledge that an application had been made for a loan, and had fraudulently, wilfully or negligently omitted to notify the agency concerned of his right or claim or that the plaintiff had knowledge that a loan had been made and was guilty of undue delay in making his claim known to the agency concerned.

Actions
against
estates of
deceased
persons,
bankrupts
and persons
who cannot
be found.

26.—(1) Whenever any amount has been paid out of the Compensation Fund on account of any person who is dead the amount may be recovered from the estate of that person by action or suit in the name of the Minister against the personal representatives of that person.

(2) Whenever any amount has been paid out of the Compensation Fund on account of a person who has been adjudged bankrupt the amount shall be considered to be a debt due from the estate of the bankrupt and a certificate stating that the amount has been paid out of the Compensation Fund signed by the Accountant-General and delivered to the trustee shall be sufficient proof of the debt.

(3) Whenever any amount has been paid out of the Compensation Fund on account of any person who has absconded or who cannot be found within the Island and who has left any real or personal estate within the Island it shall be lawful for a Judge of the Supreme Court upon application by or on behalf of the Minister or upon the production of a certificate signed by the Accountant-General that the amount has been paid in satisfaction of a judgment against the Minister as nominal defendant, to allow the Minister to sign judgment against that person forthwith for the amount so paid out of the Compensation Fund together with the costs of the application.

(4) Any judgment signed under subsection (3) shall be final, and shall be signed in like manner as a final judgment by confession or default in an action and execution shall issue immediately in respect thereof.

(5) Where a person against whom judgment has been signed under subsection (3) has left no real or personal estate within the Island sufficient to satisfy the amount for which execution has been issued, it shall be lawful for the Minister to recover the amount, or the unrecovered balance thereof, by action against that person at any time, if he is found within the Island.

27.—(1) Where a person deprived of land or of an estate or interest in land receives compensation from the Compensation Fund and the mortgage in respect of the land is still subsisting the agency shall exercise the power of sale vested in it by the mortgage and the residue of the sale money (after deduction and payment of all moneys which may properly be deducted and paid under the mortgage or by law) shall be paid into the Compensation Fund.

Agency to exercise power of sale where compensation paid during subsistence of mortgage.

(2) Where the amount received from the Compensation Fund by a person deprived of land or of an estate or interest in land is more than the amount paid into the Fund under subsection (1) in respect of the land the Minister may bring an action to recover the difference as if he were a person deprived of the land under section 18 against any person who may be sued under the said section and any amount so recovered by the Minister shall be paid into the Compensation Fund.

(3) Where the amount received from the Compensation Fund by a person deprived of land or of an estate or interest in land is less than the amount paid into the Fund under subsection (1), the borrower shall be entitled

to the difference, which shall be paid to him from the Fund, unless he has been guilty of fraud in making his application for a loan or in executing a mortgage.

*Establishment of Compensation Fund and
incidental provisions*

Compensation
Fund.

28.—(1) Any agency making a loan shall deduct therefrom the amount prescribed under section 40 as the contribution to be made to the Compensation Fund, and such contribution shall be paid to the Accountant-General who shall place it to the credit of an account to be called "the Facilities for Title (Compensation Fund) Account" and shall from time to time invest the same together with all dividends and profits accruing thereon in Jamaica Government securities or otherwise as the Minister may direct to constitute a Compensation Fund for the purposes of this Act.

(2) The Minister may, from time to time, make advances free of interest to the Compensation Fund out of the funds of the Island, and grants out of sums provided in the estimate of the Island for the purpose and approved by the House of Representatives.

(3) The Accountant-General shall pay out of the Compensation Fund at such times and in such manner as the Minister may direct such sums as may be so directed in or towards repayment of advances made to the Compensation Fund under this section.

Recovery of
compensation
paid
by mistake.

29. Any compensation received under this Act by any person not legally entitled thereto may be recovered by the Minister from such person as a simple contract debt and any moneys so recovered shall be paid into the Compensation Fund.

30. Where any amount is paid out of the Compensation Fund in consequence of the fraud or negligence of any officer of the agency in accepting an application for a loan or a mortgage the Minister may recover the amount from the agency by action and any amount so recovered shall be lodged to the credit of the Compensation Fund.

Minister may recover from agency in case of fraud or negligence of officer of agency.

Civil proceedings—Jurisdiction

31. In any action, suit or proceeding by this Act authorized to be instituted by or against the Minister it shall be sufficient to designate him as "the Minister for Agriculture and Lands" or by such other title as the Minister may for the time being be officially known and no such action, suit or proceeding shall abate or be affected by any change in the person holding the office of Minister, nor shall the Minister be personally liable under any judgment or order made therein or otherwise in respect thereof.

Designation of Minister for purposes of litigation.

32. Any costs for which the Minister may become liable as plaintiff or nominal defendant in any action, suit or proceeding in pursuance of this Act shall be paid out of the Compensation Fund.

Costs awarded against Minister to be paid out of Compensation Fund.

33. Subject to the provisions of subsection (3) of section 26, any action, suit or other legal proceeding which may be brought under this Act, may be brought in the Resident Magistrate's Court where the amount of the claim does not exceed one thousand dollars, in conformity with the procedure (including entry of judgment) appropriate to that Court, and where the amount of the claim exceeds one thousand dollars, in the Supreme Court.

Jurisdiction in civil cases.

Exemption from duties and fees—Recording

34.—(1) Notwithstanding anything to the contrary contained in any enactment, where a loan is made by an agency in accordance with the provisions of this Act no stamp duty

Exemption from duties and fees.

or recording or registration fees shall be charged, demanded or paid in respect of any deed, instrument, writing or receipt prepared or executed under or for the purposes of this Act.

(2) Upon every deed, instrument, writing or receipt exempted under the provisions of subsection (1) from the payment of any duties or fees in respect thereof a certificate in the appropriate form set out in the First Schedule shall be subscribed and endorsed by a duly authorized officer of the agency.

(3) The exemption from duties and fees for which provision is made by subsection (1) shall in no case be deemed to prejudice or affect the operation of any deed, instrument, writing or receipt to which such exemption applies or any preferential charge created thereby.

Memo-
randum of
mortgage
to be filed.

First
Schedule.

35.—(1) Notwithstanding anything to the contrary contained in any enactment, it shall not be necessary to record or to enter satisfaction in the margin of the record of any mortgage executed between a borrower and an agency in respect of a loan made in accordance with the provisions of this Act unless and until it is deemed advisable to enforce it but instead of such recording it shall be notice to all the world of the existence of the mortgage if a memorandum in the appropriate form set out in the First Schedule and signed by the parties to the mortgage is filed in the Record Office within three months of the execution of the mortgage. It shall be the duty of every agency making a loan under the provisions of this Act to file in the Record Office the memorandum in the appropriate form set out in the First Schedule and signed by the parties to the mortgage within three months of the execution of the mortgage.

(2) Every mortgage in respect of which a memorandum is filed in accordance with the provisions of sub-

section (1) shall have the same force and effect as if it has been fully recorded.

(3) Every person interested in any land affected by any such mortgage shall be entitled to have access to the original for all proper purposes and at all reasonable times.

Offences, Penalties, Jurisdiction

36. Any person who—

Offences.

- (a) obtains a loan under the provisions of this Act by means of any false representation; or
 - (b) receives any money under the provisions of this Act knowing he is not entitled thereto; or
 - (c) purports to act under the authority of this Act in the case of a loan which is not for an agricultural purpose or for a purpose declared under section 40 to be an approved purpose; or
 - (d) being the representative of any agency refuses, fails or neglects to give an acknowledgment or a copy of any objection in accordance with subsection (3) of section 6; or
 - (e) contravenes the provisions of subsection (1) of section 7 or of subsection (1) of section 8; or
 - (f) prepares, executes, or is in any way concerned in the preparation or execution of a mortgage, or accepts a mortgage on behalf of an agency, knowing that the mortgagor has made a false statement in his application or has failed to make therein a statement material to the validity of his title, or knowing that the mortgagor is not the true owner in fee simple of the land; or
 - (g) wilfully and falsely endorses or subscribes on any deed, instrument, writing or receipt, the certificate provided for by subsection (2) of section 34,
- shall be guilty of an offence against this Act.

39/1957
S. 4.

Trial of
offences.

37. Any person who commits an offence against this Act shall be liable on summary conviction therefor before a Resident Magistrate to a fine not exceeding two hundred dollars or to imprisonment with hard labour for a term not exceeding twelve months or to both such fine and imprisonment.

Forms in
First
Schedule
deemed to
be docu-
ments for
purposes
of Perjury
Act.

38. The forms prescribed in the First Schedule and all additions thereto or substitutions therefor shall when completed in pursuance of this Act be deemed to be documents for the purposes of paragraph (b) of section 8 of the Perjury Act.

Delegation of powers

Delegation
by Minister.

39. The Minister may, delegate to any person in writing the authority to exercise all or any of the powers, rights and duties vested in and imposed on him by this Act and he may cancel such authority:

Provided that nothing herein shall permit any person other than the Minister to be plaintiff or nominal defendant in any action, suit or proceeding authorized by this Act to be instituted by or against the Minister.

Powers of
Minister.
39/1957
S. 5 (a).

40.—(1) The Minister may by order—

- (a) declare any purpose to be an approved purpose to which section 3 of this Act applies;
- (b) nominate approved lending agencies for the purposes of this Act;
- (c) limit the application of this Act to holdings of a specified maximum or minimum value;
- (d) specify the maximum amount which an agency may lend to any person;

- (e) specify the amount of the contribution to be made to the Compensation Fund by a borrower, so, however, that such rate shall in no case exceed five *per centum* of the value of the land, such value to be determined by the valuation referred to in subsection (2); 39/1957
S. 5 (b).
- (f) amend the forms in the First Schedule in any manner whatever; First
Schedule.
- (g) substitute new forms for the forms in such Schedule;
- (h) add new forms to such Schedule; and
- (i) amend the list of persons in the Second Schedule by adding thereto, deleting therefrom or making substitutions therein. Second
Schedule.

(2) The valuation made by a representative of the agency on the occasion of his attendance on any land for the purposes specified in subsection (1) of section 6 shall be conclusive as to whether the value of such land is greater than the maximum or less than the minimum value specified under paragraph (c) of subsection (1). 39/1957
S. 5 (c).

FACILITIES FOR TITLE

FIRST SCHEDULE
THE FACILITIES FOR TITLE ACT

FORM A

(Section 4 (a))

Application for Loan

No.

Application for a loan from an approved lending agency by the owner in fee simple in possession of.....situated at
.....in the parish of.....

1. Name of applicant.....
(PRINT IN BLOCK CAPITALS IN FULL)
2. Address in full.....
3. Amount of loan applied for.....
4. Full description of the land proposed to be mortgaged, stating the area and boundaries thereof.....
.....
5. State the full names and postal addresses (with districts) of all owners and occupiers of land adjacent to the land described in (4) above:

<i>North</i>	<i>Postal Address</i>
Owner(s).....
Occupier(s).....
<i>East</i>	
Owner(s).....
Occupier(s).....
<i>South</i>	
Owner(s).....
Occupier(s).....
<i>West</i>	
Owner(s).....
Occupier(s).....

6. Are you the owner in fee simple in possession of the land described by you in No. 4 above (hereinafter called "the said land")?

7. How long have you been in undisturbed possession of the said land?
8. How long was your predecessor in title in possession of the said land as reputed owner in fee simple?
9. Name of person now in occupation of the said land.
10. Do you know of any claim made or professed, by any person whomsoever, concerning the said land, which is adverse to your claim of—
 - (a) ownership?
 - (b) possession?

If so, give particulars.

11. Nature and particulars of your title.
12. Full particulars of the evidence in support of your title.
13. Mortgages or other incumbrances (if any) on the said land.
14. Buildings. Give short particulars.
15. Particulars of any insurance on buildings on the said land.
16. Details of purposes for which the loan is required.
17. Amount already owed to any approved lending agency.

Dated at _____ in the parish of _____
 this _____ day of _____ 19 .

Signature of applicant

N.B.—The approved lending agency may add to this form any questions eliciting further information required by it.

This application must be verified by a statutory declaration.

THE FACILITIES FOR TITLE ACT

FORM B

(Section 4 (b))

Certificate (to be obtained from at least two persons of any one or more of the classes mentioned in the Second Schedule)

I _____ (here insert name of J.P. or other person) of _____ (here insert postal address and occupation, profession or calling) do hereby certify that within my personal knowledge (here insert name of applicant for loan) is the reputed owner of an estate in fee simple in ALL THAT

FACILITIES FOR TITLE

parcel of land situated at.....in the parish of

.....
 (continue to describe land by area and boundaries on north, east,

 south and west)

and that he has been in continuous and undisturbed possession of the land above described, by himself, his agents, or tenants

(a) for a period of at least seven years, that is to say, a period of.....years

OR (b) for a period which when added to the period of continuous and undisturbed possession of the land by his predecessors in title.....
 (names)

as reputed owners in fee simple, amounts to at least seven years, that is to say.....years AND I do hereby further certify that the applicant is now in possession of the said land.

Dated at in the parish of
 this day of 19 ..

.....
 Justice of the Peace
 (or other duly qualified person)

THE FACILITIES FOR TITLE ACT

FORM C

(Section 5)

Notice of Application for Loan

TAKE NOTICE that.....
 (here insert name of applicant for loan)

of.....claims to be the owner
 (here insert address of applicant)

in fee simple in possession of the land described below and has applied on the.....19..... to the
 (here insert date on which application received by agency)

 [The inclusion of this page is authorized by L.N. 480/1973]

.....for a loan
 (here insert name and address of agency)
 on security of a mortgage of the said land and that it is proposed to
 accept such mortgage in reliance on the provisions of the above-
 mentioned Act.

AND FURTHER TAKE NOTICE that a representative of the agency will
 attend on the said land at.....
 (here insert time of day)

on the.....19.....for the purpose of viewing
 (here insert date)

the land, checking the boundaries thereof and noting any objection
 or information pertaining to the title or boundaries that may be stated
 by any person.

*N.B.—Objections may also be notified in writing to the agency or
 by personal attendance at the office of the agency.*

Description of land.

Dated this day of 19 .

Signature and designation of officer of agency.

THE FACILITIES FOR TITLE ACT

FORM D

(Section 9 (2))

Withdrawal of Objection

I.....of.....
 (address and occupation)

NOW MAKE KNOWN that having notified to.....
 (agency or representative of agency)

my objection to the acceptance of a mortgage in reliance on the pro-
 visions of the abovementioned Act from.....
 (applicant)

in respect of the land described below, I do hereby WHOLLY WITHDRAW
 my said objection.

FACILITIES FOR TITLE

Description of Land.

Signed by the abovenamed	}	Objector
.....		
at.....in the		
parish of.....		
the.....day of.....		
19.....in the presence of:		

.....
Justice of the Peace

THE FACILITIES FOR TITLE ACT

FORM E

(Section 13)

Certificate of Compliance with the necessary formalities

THIS IS TO CERTIFY that the necessary formalities have been
 complied with in respect of a mortgage dated the.....

19.....made and given by.....
 (name of mortgagor, address and description)

in the favour of.....affecting ALL THAT
 (agency)

PARCEL of land.....
 (description of land as in mortgage)

Dated at.....in the parish of

this.....day of.....19

Signature and designation of duly
 authorized officer of agency.

[The inclusion of this page is authorized by L.N. 480/1973]

THE FACILITIES FOR TITLE ACT

FORM F

(Section 34 (2))

Certificate of Exemption from Duties and Fees

I hereby certify that this loan was made in accordance with the provisions of the Facilities for Title Act.

Signature and designation of duly
authorized officer of agency

THE FACILITIES FOR TITLE ACT

FORM G

(Section 35 (1))

Memorandum of Mortgage

Date of mortgage.....
Name of mortgagor.....
Name of agency.....
Consideration.....
Description of premises.....
Signature of parties executing.....
.....
Signature of witness.....

SECOND SCHEDULE

Classes of persons authorized to give certificates under section 4 (b)

Justices of the Peace
Clerks of the Courts
Officers of the Jamaica Constabulary Force and Sub-Officers there-
of not below the rank of Corporal
Collectors of Taxes
Assistant Collectors of Taxes
Solicitors of the Supreme Court
Ministers of Religion who are marriage officers
Headmasters, Headmistresses and teachers not below the grade of
Assistant Teacher A-1 in Public Primary Schools within the
meaning of the Education Act
District Officers in the service of the Jamaica Social Development
Commission

L.N.
32/1958.

[The inclusion of this page is authorized by L.N. 31/1977]

Managers, Attorneys and Overseers of estates or properties of not less than 200 acres

Runners and Assistant Runners in the Collector-General's Department for whose remuneration separate provision is made in the Annual Estimates of this Island

Parish Councillors

Public Health Inspectors

Inspectors and Assistant Inspectors of Poor

Managing Director, Sugar Industry Housing Limited.

L.N.
80/1976.