



MONTSERRAT

## **CHAPTER 8.11**

# **CROWN TITLE ACT**

### **Revised Edition**

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **CROWN TITLE ACT**

Act 3 of 2006 .. in force 1 January 2006

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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**CHAPTER 8.11**

**CROWN TITLE ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

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**CHAPTER 8.11**

**CROWN TITLE ACT**

*(Acts 3 of 2006 and 9 of 2011)*

AN ACT TO REPEAL AND REPLACE THE CROWN TITLE ACT (CAP. 08.11) TO PERMIT THE REGISTRAR OF LANDS TO RECEIVE CLAIMS TO UNCLAIMED LAND, AND FOR CONNECTED PURPOSES.

**Commencement**

*[1 January 2006]*

**Short title**

1. This Act may be cited as the Crown Title Act.

**Unclaimed land to vest in Crown**

2. Any interest in land remaining unclaimed since the coming into force of the Land Adjudication Act, and which by the provisions of section 17(1) of that Act were deemed to be Crown Land shall, if not claimed by 31 December, 2020, vest absolutely in the Crown.

### **Right extinguished if not claimed**

3. Any person who claims any right or any interest in land which has not already been claimed by that person under the Land Adjudication Act, shall, if he does not claim his right or interest in that land within fifteen years from the coming into force of this Act, forfeit such right and the land shall vest in the Crown absolutely.

### **Claim**

4. Any person wishing to establish any claim to any interest in land that remains unclaimed under the Land Adjudication Act, shall, by 31 December 2020, make his claim in writing to the Registrar of Lands or forfeit his claim.

### **Land to constitute an adjudication area**

5. Claims already made to the Land Adjudication Officer under this Act shall be dealt with by the Registrar of Lands and those already dealt with by the Registrar of Lands whether made to the Land Adjudication Officer or the Registrar before the coming into force of this Act, shall be deemed to have been properly made and validly dealt with under this Act.

### **Survey plan**

6. (1) All claims to land other than land situated in the exclusion zone shall be accompanied by a survey plan of the land claimed which is acceptable to the Registrar of Lands.

(2) Claims to land situated in the exclusion zone shall be made in writing to the Registrar of Lands accompanied by a survey plan of the land claimed which is acceptable to the Registrar of Lands within fifteen years of the date upon which land in that part of the exclusion zone in which the said land is situated is declared by the Governor to no longer be within the exclusion zone.

(3) The term “**exclusion zone**” means the areas declared to be unsafe areas by the Governor under the Emergency Powers Regulations.

### **Advertisement of claims by Registrar**

7. Upon receipt of a claim by any person to unclaimed land, and if the claim is accompanied by a survey plan acceptable to the Registrar of Lands, the Registrar of Lands shall advertise the application at the expense of the applicant in such manner as the Registrar of Lands shall think fit.

### **Registrar to determine dispute title or boundary**

8. (1) Where any uncertainty or dispute arises as to the ownership of the land or any part of it or the position of any boundary, the Registrar of Lands shall, on such evidence as the Registrar of Lands considers relevant,

determine and indicate the ownership or as the case may be the position of the uncertain or disputed boundary.

(2) Where the Registrar of Lands exercises the power conferred by subsection (1), he shall make a note to that effect on the Registry Map and in the Register and shall file such plan or description, as the case may be, necessary to record his decision.

(3) No court shall entertain any action or other proceedings relating to a dispute as to ownership or to the boundaries of registered land arising from a claim under this Act unless the matter has been determined as provided in this section.

### **Registrar may allow claim after six weeks of advertisement**

9. Six weeks after the date of the advertisement of the claim the Registrar of Lands, on being satisfied that the applicant is the owner of the land claimed, may allow the claim and register the claim if there is no dispute arising in relation to that claim and no notice of any appeal against the Registrar's decision.

### **Appeal**

10. (1) Any person aggrieved by a decision of the Registrar of Lands may, within thirty days of the Registrar's decision to allow the claim, give notice of his intention to appeal to the court against the decision of the Registrar.

(2) The notice shall be in the form prescribed in the Registered Land Rules.

(3) Sections 147 to 149 of the Registered Land Act shall apply *mutatis mutandis* to the procedure to be followed in such an appeal.

### **Regulations**

11. The Governor acting on the advice of Cabinet may make regulations for carrying out the purposes of this Act, including the extension of the time within which new claims to unclaimed land may be made.

*(Amended by Act 9 of 2011)*

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