

**CHAPTER 258.**

**TITLE BY REGISTRATION ACT (WEBB'S LAND).**

(11th July, 1960.)

14/1960

WHEREAS by virtue of section 6 of the Plymouth Improvement Ordinance, of the Colony of Montserrat, certificates of title (hereinafter in this Ordinance referred to as "the existing certificates of title") under the provisions of the Title by Registration Act were issued in the said Colony, subject to the provisions of section 7 of the above-named Ordinance, to various purchasers of lots in a certain area of Webb's Land (hereinafter in this Ordinance referred to as "the scheduled lands") between the years 1933 and 1939, which said existing certificates of title are registered in the Registry of Land Titles in the said Colony :

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AND WHEREAS doubts have arisen concerning the validity and effect of the existing certificates of title issued to such purchasers :

AND WHEREAS it is deemed expedient that the existing certificates of title and the certificates of title issued to the Government of Montserrat as the Registered Proprietor of the scheduled lands should be cancelled and new certificates of title issued in lieu thereof in the manner and subject to the provisions hereinafter contained :

AND WHEREAS the description of a certain adjacent portion of land contained in the certificate of title mentioned in the Third Schedule does not accord with the boundaries of the Scheduled lands nor with the boundaries of the land in fact occupied by the Registered Proprietor under the said certificate of title (that is, the land described in the Fourth Schedule) and it is expedient in order to resolve these discrepancies to cancel the said certificate of title and to issue a new certificate of title in lieu thereof in respect of the lands described in the Fourth Schedule.

Short title. **1.** This Ordinance may be cited as the Title by Registration Act (Webb's Land) Ordinance.

Interpretation. **2.** (1) In this Ordinance—

“Board” means the Board of Health of the Colony of Montserrat as constituted and established under the Board of Health Ordinance;

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“Principal Act” means the Title by Registration Act;

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“Purchaser” means the registered proprietor (other than the Government of Montserrat) of any lot forming part of the scheduled lands;

“Registrar” means the Registrar of Titles of the Colony of Montserrat;

“the existing certificates of title” means the certificates of title issued to Purchasers in respect of lots forming part of the scheduled lands;

“scheduled lands” means the lands described in the First Schedule.

(2) Any term or expression used in this Ordinance shall, with its grammatical variations and cognate expressions, have the meaning assigned thereto in the Principal Act.

Cancellation of certain certificates of title to Webb's Land and issue of new certificates of title, etc.

**3.** Notwithstanding any of the provisions contained in the Principal Act, the Registrar shall for the purpose of giving effect to this Ordinance, as soon as practicable after the commencement thereof—

(a) require every Purchaser to deliver to him for cancellation the duplicate existing certificate of title issued to him in respect of a lot forming part of the scheduled lands;

(b) cancel every such duplicate existing certificate of title so delivered to him in pursuance of such requisition and also the other duplicate certificate of title placed on the register;

(c) require the Administrator of the Colony to deliver to him the duplicate certificate of title issued to the Government of Montserrat as registered proprietor of the lands described in the First and Second Schedules and upon receipt thereof cancel the same together with the other duplicate certificate of title placed on the register;

(d) require the Administrator of the Colony of Montserrat to deliver to him the certificate of title described in the Third Schedule issued to the Government of Montserrat as registered proprietor of the lands therein contained and upon receipt thereof cancel the same together with the other duplicate certificate of title placed on the register;

(e) make out in duplicate and deliver to every Purchaser a new certificate of title of the land contained in each such existing certificate of title in accordance with, and as in the case of a transfer on sale or otherwise under the provisions of the Principal Act, the date of such certificate being the date of the existing certificate of title cancelled in accordance with paragraph (b), and mark upon each such new certificate of title as an incumbrance within the meaning of the Principal Act ranking next to the first charge created by section 35 of the Principal Act and before all mortgages, incumbrances and interests, if any, noted on the existing certificate of title, the terms and conditions as regards building, enclosure and restrictions on the use of that portion of the schedule lands for which the existing certificate of title was issued and to which the Purchaser was subject on purchase of the land pursuant to the Regulations made under the Plymouth Improvement Ordinance, unless it is proved to the satisfaction of the Registrar that any such term or condition was waived by agreement between the Board and such Purchaser;

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(f) make out in duplicate and deliver to Her Majesty the Queen as the registered proprietor, a new certificate of title in respect of the lands described in the Second Schedule in accordance with, and as in the case of a transfer on sale or otherwise under the provisions of the Principal Act, the date of such certificate of title being the date of the certificate of title cancelled in accordance with paragraph (c);

(g) make out in duplicate and deliver to the Board a new certificate of title in respect of those portions of the scheduled lands remaining after deduction of the respective areas thereof in respect of which the existing certificates of title were issued to the Purchasers, the date of such certificate being the date of the certificate of title cancelled in accordance with paragraph (c); and

(h) make out in duplicate and issue to Her Majesty the Queen as the registered proprietor a new certificate of

title in respect of the lands described in the Fourth Schedule, and marked upon such certificate of title as an incumbrance in accordance with the provisions of the Title by Registration Act the lease in favour of Cable and Wireless (W.I.) Limited created by Memorandum of Lease bearing date the 18th day of February, 1942 the date of such certificate of title being the date of the certificate of title cancelled in accordance with paragraph (c).

Application of section 145 of Principal Act.

4. Section 145 of the Principal Act shall have effect for the purpose of section 3.

Failure to deliver existing certificates of title.

5. Every Purchaser who fails to comply with a request made by the Registrar pursuant to paragraph (a) of section 3 shall be dealt with in the manner and be subject to the same penalty as is provided in section 140 of the Principal Act in the case of a person who fails to return a certificate of title under that section.

#### FIRST SCHEDULE.

That piece or parcel of land measuring 12 acres 3 roods 31 poles in the parish of St. Anthony in the Colony of Montserrat (comprising together with the lands described in the Second Schedule to this Ordinance the whole of the land contained in the certificate of title dated 25th day of July, 1931, and registered in Register Book D1 folio 12) and bounded as follows:—On the North in part by lands of the Government of Montserrat occupied by Cable & Wireless (West Indies) Ltd., in part by lands of Saint Anthony's Masonic Lodge and in part by the Public Road; on the South by lands of Mary Shoy and others; on the East by lands formerly forming part of Webb's Estate now owned by William Evered Jeffers, Wilfred O. Peters, Andrew and Martha Martin and others; and on the West in part by the Public Road and in part by the lands of Thomas Daly and others.

#### SECOND SCHEDULE.

That piece or parcel of land measuring half an acre in the parish of St. Anthony in the Colony of Montserrat (comprising together with the lands described in the First Schedule the whole of the land contained in certificate of title dated the 25th day of July, 1931, and registered in Register Book D1 folio 12) and

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bounded as follows :—On the North by Fort Ghaut; On the South by the lands of Robert William Griffith; On the East by lands formerly part of Webb's Estate now owned by Margaret Neale; On the West by the Public Road.

### THIRD SCHEDULE.

Certificate of title dated the 23rd day of February, 1928, and registered in Register Book C1, folio 29 in respect of a portion of land known as Webb's Estate containing 1 acre, 2 roods and 25 perches (being that portion on which the Wireless Station now stands) and butted and bounded as follows :—On the North-East and East by the said Webb's Estate; On the South-East by a ravine; On the South-West by the main road and on the North-West by Jubilee Town.

### FOURTH SCHEDULE

That lot of land at Webb's (formerly and part of Webb's Estate) measuring 1 acre, 3 roods and 34 perches and bounded as follows :—North to South on the east side by the lands of the Masonic Lodge and J. S. O'Brien; North to South on the west side by the Public Road; East to West on the North side by the Public Road; East to West on the south side by lands of M. S. Osborne, as the same are delineated and set forth on a plan or diagram thereof by George Vincent La Barrie dated the 14th day of March, 1936.