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REGISTRATION OF COAST TITLES

Regrets wrong enclosures in despatch No. 316. Sends correct ones.

W. Read.

See Gov.
19963

See also for
23545 below

Wait for Treasury assent, asked for on Treaty; other proposed (under IV) on sheet attached to spab.

Aug 1 at me.

H. J. R.

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Despatch No. 4170f 1910

RULES

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THE LAND TITLES AMENDMENT ORDINANCE 1910.

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RULES ISSUED BY HIS EXCELLENCY THE GOVERNOR OF THE EAST AFRICA PROTECTORATE IN PURSUANCE OF THE POWERS CONFERRED UPON HIM BY SECTION 31 OF THE LAND TITLES AMENDMENT ORDINANCE 1910.

NAIROBI,

1910

Dated this 25th day of May 1910.

GOVERNOR.

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1. A copy of a judgment, decree, or order of a Court transmitted to a Registrar by a Court under section 12 of the Land Titles Amendment Ordinance 1910, and a will, letters of Administration or an order of a Court made for registration under section 13 of the said Ordinance, shall be filed in the office of the Registrar in which the Registrar Book kept for the purposes of the said Ordinance shall be filed in the office of the Registrar in which the said document shall be filed; and a copy of such judgment, decree, or order, or will, or letters of Administration and of such book in which the same shall be filed shall be entered by the Registrar in the Register Book in which the same shall be registered. On the filing of any such document as aforesaid and on the entry being made in the Register Book, the document shall be deemed to be duly registered for the purposes of the Ordinance.

2. The file of documents under the preceding rule shall be open to inspection on the like terms and on payment of the like fees as may, from time to time, be prescribed for search in the Register Book.

3. (1) It shall be the duty of the Court or person required to apply for the Registration of a will or letters of Administration or an order of a Court under Section 13 (1) (a) or to transmit a document as required by Section 13 (1) (b) of the aforesaid Ordinance to transmit to the Registrar out of the monies of the Estate the fee prescribed for the registration of the will, letters of Administration, order of the Court or document, as the case may be.
- (2) In the case of a will, letters of Administration or order of a Court the prescribed fee shall be transmitted to the Registrar as soon as monies belonging to the estate and sufficient to pay the same have been received by the Executor, Administrator, Wasi or Court, as the case may be.
- (3) In the case of a document transmitted in pursuance of Section 13 (1) (b) the prescribed fee shall be sent to the Registrar together with the document.

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THE LAND TITLES AMENDMENT ORDINANCE 1910

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In pursuance of the powers conferred upon me by Section 30 Sub-section (1) of the Land Titles Amendment Ordinance 1910 I hereby direct that the fees and charges hereinafter set forth shall be levied under Part II of the aforesaid Ordinance.

NAIROBI,

Dated this 25th day of May 1910.

GOVERNOR.

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SCALE OF FEES AND CHARGES TO BE LEVIED UNDER PART II OF THE LAND TITLES AMENDMENT ORDINANCE 1910.

- (1) On the registration of any document not otherwise charged.
 - (a) For the first 100 words or part thereof, where the value of the property conveyed or affected is less than 100 rupees. Rs. 4.
 - (b) For the first 100 words or part thereof, where the value of the property conveyed or affected is 100 rupees or over but does not exceed 500 rupees.....Rs. 6.00
 - (c) For the first 100 words or part thereof, where the value of the property conveyed or affected is over 500 rupeesRs. 8.00
 - (d) For every further 100 words or part thereof.....Rs. 0.00

(2)

- (2) On the registration of a judgment decree or order of Court, other than a certificate of sale, and not otherwise charged.....Rs.3-00
- (3) On the registration of a will, letters of Administration or order of a Court appointing a Wali or declaring that all the property shall be administered by the Court..Rs.3-00
- (4) On the registration of a document transmitted to the Registrar under Section 13 of the Act (1) (b) of the Act if the value of the property does not exceed Rs.1000.....Rs.1-00
- On the registration of a document if the value of the property is not written in.....Rs.1-00

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REGISTERED AT THE OFFICE OF THE REGISTRAR, DISTRICT COURT, BANGALORE.

1.
 2.
 3.

Rs.2-00

Rs.1-00

(10) For copies of plans.

(a) Certified..... (12 rupees or such sum
as the Registrar may
direct.

(b) Uncertified..... (6 rupees or such sum as
the Registrar may direct.

(11) In respect of every affidavit accepted by the Principal Registrar under Section 17.....Rs.3-00

(12) For the Principal Registrar or any Registrar attending at any place beyond the Registration Office...Rs.5-00 and in addition, for any distance beyond one mile, the expenses incurred.

(13) On an appeal to the Principal Registrar from an order refusing to register a document.....Rs.5-00
Provided that such fee shall be refunded if the Principal Registrar of the High Court shall order the document to be registered unconditionally.

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MEMORANDUM.

Unless otherwise directed by the Rules under the Ordinance all documents presented for registration must be copied into the Register Book. I do not consider that any useful purpose would be served by copying at length in the Register judgments, decrees, or orders of a Court, or the wills of deceased persons. I have therefore provided in the draft rules that such documents shall be filed in the Registration Office and that only a note referring to the documents shall be entered in the Register Book. This will save much clerical work and will prevent the limited space in the Registered Book being filled by lengthy judgments or orders, and at the same time will give the public all the information they require.

The only other matter dealt with by the rules is the authorising and requiring Executors and others to pay out of the monies of the estates of deceased persons the fees prescribed for the registration of documents relating to the appointment of Executors and Administrators, and the devolution of lands subject to the Ordinance.

In drafting the scale of fees I have taken the scale of fees prescribed for the earlier Registration law as a basis, but in order to meet the requirements of the Colonial Office in the matter of obtaining revenue out of the Registration of Documents under the Ordinance I have increased the fees prescribed under the earlier law.

Sd/- R. M. Combe.
Crown Advocate.

Nairobi.

19th May, 1910.