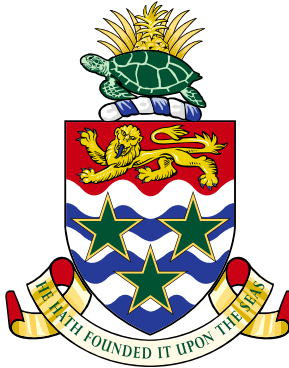


CAYMAN ISLANDS



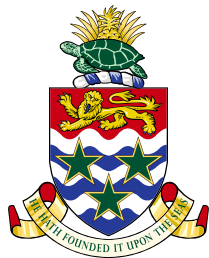
REGISTERED LAND (AMENDMENT) BILL, 2025

**A BILL FOR AN ACT TO AMEND THE REGISTERED LAND ACT (2018 REVISION) TO
DISAPPLY LIMITATION PERIODS FOR RECOVERY OF REGISTERED LAND; TO
REPLACE THE PROCEDURE AND GROUNDS FOR REGISTERING TITLE ACQUIRED
BY POSSESSION; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of District Administration and Lands (DAL)

CAYMAN ISLANDS



REGISTERED LAND (AMENDMENT) BILL, 2025

Arrangement of Clauses

Clause	Page
1. Short title	5
2. Amendment of section 2 of the Registered Land Act (2018 Revision) – definitions	5
3. Repeal and substitution of sections 135, 136 and 137 – acquisition of title by possession; application to register title acquired by possession; procedure on application	6
4. Transitional provisions	9

CAYMAN ISLANDS**REGISTERED LAND (AMENDMENT) BILL, 2025**

A BILL FOR AN ACT TO AMEND THE REGISTERED LAND ACT (2018 REVISION) TO DISAPPLY LIMITATION PERIODS FOR RECOVERY OF REGISTERED LAND; TO REPLACE THE PROCEDURE AND GROUNDS FOR REGISTERING TITLE ACQUIRED BY POSSESSION; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title

1. (1) This Act may be cited as the Registered Land (Amendment) Act, 2025.
- (2) This Act comes into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Act and in relation to different matters.

Amendment of section 2 of the Registered Land Act (2018 Revision) – definitions

2. The *Registered Land Act (2018 Revision)*, in this Act referred to as the “principal Act”, is amended in section 2 by inserting, in the appropriate alphabetical sequence, the following definition —

““adverse possession” has the meaning given in section 135;”.

Repeal and substitution of sections 135, 136 and 137 – acquisition of title by possession; application to register title acquired by possession; procedure on application

3. The principal Act is amended by repealing sections 135, 136 and 137 and substituting the following sections —

“Meaning of “adverse possession”

- 135.** A person is in adverse possession of land if, but for section 136, a period of limitation under section 19 of the *Limitation Act (1996 Revision)* would run in the person’s favour in relation to the land.

Disapplication of periods of limitation

- 136.** No period of limitation under section 19 of the *Limitation Act (1996 Revision)* runs against any person, other than a chargee, in relation to registered land.

Right to apply for registration by possession

- 137.** (1) A person may apply to the Registrar to be registered as the proprietor of land if the person has been in adverse possession of the land for a continuous period, ending on the date of the application, of —
- (a) twelve years; or
 - (b) in the case of Crown land, thirty years.
- (2) A person may also apply to the Registrar to be registered as the proprietor of land if —
- (a) the person has ceased to be in adverse possession of the land because of eviction by the registered proprietor of the land in the period of six months ending on the date of the application;
 - (b) on the day immediately before the eviction, the person was entitled to make an application under subsection (1); and
 - (c) the eviction was not in accordance with a judgment for possession.
- (3) However, a person may not make an application under this section if —
- (a) the person is a defendant in proceedings which involve asserting a right to possession of the land; or
 - (b) judgment for possession of the land has been given against the person within the preceding two years.

Service of application

- 137A.**(1) An applicant for registration under section 137 must serve the application on —
- (a) the registered proprietor of the land;
 - (b) the proprietor of any registered charge on the land; and
 - (c) any other person required by the rules to be served.
- (2) If the registered proprietor does not respond to the application within thirty days after it is served, the applicant must serve the application on the registered proprietor a second time.
- (3) Despite section 153, the application must be served personally on the registered proprietor of the land.
- (4) However, if the applicant satisfies the Registrar that personal service is impracticable, the Registrar may approve an alternative method of service.
- (5) If the applicant satisfies the Registrar that the registered proprietor cannot be served (whether personally or in another way), the Registrar may —
- (a) direct the applicant to advertise the application in a specified manner; and
 - (b) direct the applicant to take other specified steps to notify the registered proprietor of the application.
- (6) A person required to be served with the application may object to it —
- (a) within thirty days after service; or
 - (b) in the case of the registered proprietor, within thirty days after the requirements of subsection (2) or (5) are met.
- (7) The Registrar may dismiss an objection if —
- (a) the objection is made by a person other than the registered proprietor of the land or the proprietor of any registered charge on the land; and
 - (b) the Registrar considers the objection to be frivolous or vexatious.

Requirements for registration

- 137B.**(1) An applicant for registration under section 137 may only be registered as the proprietor of the land if the requirements of subsection (2) or (3) are satisfied.

- (2) The applicant may be registered as proprietor if they are so entitled as a result of an unregistered dealing between the applicant and the registered proprietor.
- (3) The applicant may be registered as proprietor if all the following circumstances apply —
 - (a) the applicant is the registered proprietor of land that is wholly or partly adjacent to the land to which the application relates;
 - (b) either —
 - (i) the boundary line between the two parcels of land is undemarcated; or
 - (ii) for at least ten years of the period of adverse possession, the applicant reasonably but mistakenly believed that the boundary line between the two parcels of land was different to the demarcated boundary line;
 - (c) for at least ten years of the period of adverse possession, the applicant reasonably but mistakenly believed that the land to which the application relates belonged to the applicant; and
 - (d) the applicant, with the knowledge or acquiescence of the registered proprietor, made lasting improvements to the land in reliance on the applicant's reasonable but mistaken belief of ownership.

Treatment of application – no objection

137C.(1) This section applies if —

- (a) no objection to an application for registration is made under section 137A(6); or
 - (b) any objection made is dismissed under section 137A(7).
- (2) The applicant may be registered as proprietor of the land if the Registrar is satisfied that the applicant —
- (a) meets the requirements specified in section 137 for making the application; and
 - (b) satisfies the requirements for registration specified in section 137B(2) or (3).

Treatment of application – objection

137D.(1) This section applies if —

- (a) an objection to an application for registration is made under section 137A(6); and
- (b) the objection is not dismissed under section 137A(7).

- (2) If the applicant wishes to proceed with the application, the applicant may apply to the court for determination of the application.

Effect of registration where no objection

- 137E.**(1) Subject to subsection (2), the registration of a person as the proprietor of land under section 137C does not affect the priority of any interest affecting the land.
- (2) If a person is registered as the proprietor of land under section 137C, the land is vested in the person free of any registered charge affecting the land immediately before the registration.”

Transitional provisions

4. (1) In this section —
- “**commencement date**” means the date this Act commences; and
- “**pre-amendment Act**” means the principal Act as in force immediately before the commencement date.
- (2) If, immediately before the commencement date, a person had applied to the Registrar to be registered as the proprietor of land under section 136 of the pre-amendment Act and the Registrar had not decided the application, the pre-amendment Act applies to the determination of the application.
- (3) If, immediately before the commencement date, a person had applied to the court for determination of any question arising under section 136 or 137 of the pre-amendment Act and the court had not determined the question, the pre-amendment Act applies to the determination of the question.
- (4) If, immediately before the commencement date, land is held in trust for a person under section 135 of the pre-amendment Act, the person is entitled to be registered as the proprietor of the land.

Passed by the Parliament the _____ day of _____, 2025.

Speaker

Clerk of the Parliament