CHAPTER 230

THE REGISTRATION OF TITLES ACT.

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CHAPTER 230

THE REGISTRATION OF TITLES ACT.

Commencement: 1 May, 1924.

An Act relating to the transfer of land and registration of titles.

PART I—PRELIMINARY.

1. Interpretation.

In this Act, unless inconsistent with the context or subject matter—

(a) "addition" means the description as to residence and profession, trade or occupation of any person;

(b) "bankruptcy" includes liquidation of a company, and terms applicable to bankruptcy include terms applicable to the liquidation of a company;

(c) "certificate of title" or "certificate" means a certificate of title issued by the registrar under this Act;

(d) "endorsed" includes anything written upon or in the margin or at the foot of any document;

(e) "final mailo certificate" means a certificate by which the title of an African of Uganda to land is finally recognised;

(f) "grant" means the grant by or on behalf of the Government of Uganda or a controlling authority under the Public Lands Act of land whether in fee or for years;

(g) "incumbrances" includes all prior estates, interests, rights, claims and demands which can or may be had, made or set up in, to, upon, or in respect of, the land;

(h) "instrument" includes any document in pursuance of which an entry is made in the register;

(i) "land" includes messuages, tenements and hereditaments corporeal or incorporeal; and in every certificate of title, transfer and lease issued or made under this Act, "land" also includes all easements and appurtenances appertaining to the land described therein or reputed to be part of that land or appurtenant to it;

(j) "letters of administration" includes, in the case of the estate of a deceased African of Uganda, a certificate of succession or other document from a competent authority declaring the right of any

person to deal with that estate, and "administrator" includes that person;

(k) "limited certificate" means a certificate limited as to parcels registered under section 39;

(l) "proprietor" means the owner whether in possession, remainder, reversion or otherwise of land or of a lease or mortgage whose name appears or is entered as the proprietor of that land or lease or mortgage in the Register Book; "proprietor" also includes the donee of a power to appoint or dispose of that land or lease or mortgage;

(m) "registrar" means the registrar of titles appointed under section 3 and includes the deputy registrar of titles so appointed and any assistant registrar of titles or land registry assistant so appointed to the extent that he or she has been authorised to exercise or perform any power or duty conferred or imposed by this Act upon the registrar of titles;

(n) "settlement" means any document under or by virtue of which any land is so limited as to create partial or limited estates or interests;

(o) "surveyed" means surveyed, demarcated and delineated upon a map or plan to the satisfaction of the commissioner of lands and surveys.

2. Conflicting laws.

(1) Except so far as is expressly enacted to the contrary, no Act or rule so far as inconsistent with this Act shall apply or be deemed to apply to land whether freehold or leasehold which is under the operation of this Act.

(2) This Act shall not be construed as limiting or abridging the provisions of any law for the time being in force in Uganda relating specially to the property of married women.

PART II—OFFICERS.

3. Appointment of officers.

(1) A registrar of titles shall be appointed to have the charge and control of the office of titles and to exercise the powers and perform the duties conferred or imposed upon the registrar of titles by this or any other

Act.

(2) There may be appointed a deputy registrar of titles and such assistant registrars of titles and land registry assistants as may be required for the purposes of this Act.

(3) The deputy registrar of titles shall have all the powers and exercise all the duties conferred and imposed on the registrar by this Act except the power of delegation conferred by subsection (4).

(4) The registrar may delegate all or any of his or her powers or duties under this Act and may at any time revoke or vary that delegation, but no such delegation shall be deemed to divest the registrar of any of his or her powers and duties.

(5) The appointments referred to in subsections (1) and (2) shall be made in accordance with any written law relating to the appointment of persons to the public service.

4. Signature to be judicially noticed.

All courts, judges and persons acting judicially shall take judicial notice of the signature of the registrar.

5. Seal of office.

The registrar shall cause to be kept a seal bearing the impression of the armorial ensigns of Uganda and having inscribed in the margin of the seal the words "Office of Titles, Uganda"; and all certificates of title and other documents purporting to be sealed with such seal and to be signed by the registrar or by a deputy or assistant registrar shall be admissible as evidence without further proof.

6. Appointment of sworn valuers.

(1) The Minister may appoint persons to be sworn valuers under this Act and at pleasure annul the appointment of any such person.

(2) Every person appointed under subsection (1) shall within fourteen days from his or her appointment and before making any valuation under this

Act take the following oath before a judge of the High Court or such other person as the Minister may appoint—

> "I, _____, (*name*) do solemnly swear that I will faithfully and honestly and to the best of my skill and ability make any valuation required of me under the provisions of the Registration of Titles Act. So help me God."

or make the following solemn affirmation before a judge of the High Court or such other person as the Minister may appoint—

> "I, _____, (*name*) do solemnly, sincerely and truly declare and affirm that I will faithfully and honestly and to the best of my skill and ability make any valuation required of me under the provisions of the Registration of Titles Act.".

PART III—BRINGING LAND UNDER THE ACT.

7. Future grants and final mailo certificates to be registered.

(1) The grants in fee or for years of all surveyed public lands remaining unalienated and all final mailo certificates which have not been issued prior to the commencement of this Act shall be in duplicate and in addition to proper words of description shall refer to a plan of the land, and shall be delivered to the registrar, who on payment of the fee, if any, in respect of the assurance of title shall register the grant or final mailo certificate in the manner hereafter directed.

(2) Registration under subsection (1) shall be deemed and taken to be an enrollment of record of the grant or certificate, and that enrollment shall relate back to the day of the date of the grant or final mailo certificate, and either part of the grant or final mailo certificate when registered under this Act shall be sufficient evidence of a duly enrolled grant or final mailo certificate of the land described in it to or in favour of the person named in it made or issued on the day of the date thereof.

(3) All land included in any final mailo certificate whenever issued shall after the commencement of this Act be subject to the operation of this Act and shall be deemed to have been registered under it, and no application to bring such land under the operation of this Act shall be necessary.

(4) In subsection (1)—

(a) "grants in fee" includes any notice issued under rule 16 of the Crown Lands (Adjudication) Rules, and any instrument or notice declared in any rules made under the Public Lands Act to be a grant in fee for the purposes of that subsection;

(b) "grants for years" includes any lease granted by an urban authority under the Public Lands Act, and any instrument or notice declared in any rules made under that Act to be a grant for years for the purposes of that subsection.

8. Grants for public purposes.

At the time of the registration of every grant in fee to two or more persons in joint tenancy for any public purpose, the registrar shall endorse on it and on every subsequent certificate of title the words "no survivorship" and shall sign his or her name thereto.

9. Lands alienated before the Registration of Land Titles Ordinance, 1908.

(1) All documents relating to land which was alienated in fee or for years by or on behalf of the Crown before the commencement of the Registration of Land Titles Ordinance, 1908, shall immediately on the commencement of this Act be collected from the district offices and lodged for custody in the office of titles, and the following procedure shall be adopted with regard to that land.

(2) Where after the commencement of this Act an instrument affecting land referred to in subsection (1) or any interest in that land is presented for registration, the registrar shall proceed to bring the whole of that land under the operation of this Act in the same manner as hereafter prescribed on an application to bring that land under the Act; but if any such land has not been surveyed, the registrar may call upon the person entitled to a certificate of title under this Act to have that land surveyed.

(3) All land within the meaning of this section may be brought under the operation of this Act on an application in Form I of the First Schedule to this Act, which application may be made by any of the following persons—

(a) the person claiming to be the owner of the fee simple or term of

years either at law or in equity;

(b) persons who collectively claim to be the owners of the fee simple or term of years either at law or in equity;

(c) persons who have the power of appointing or disposing of the fee simple or term of years;

(d) the guardian of any infant or the committee of any lunatic or person of unsound mind unable to govern his or her estate so, however, that the application is made on behalf of that infant, lunatic or person and the certificate of title is directed to issue in his or her name.

(4) Notwithstanding subsection (3)—

(a) a mortgagor shall not be entitled to make such application unless the mortgagee consents to the application; nor a mortgagee unless in the exercise of his or her power of sale, and unless the certificate of title is directed to issue in the purchaser's name; and

(b) the attorney of any corporation, howsoever and wheresoever incorporated, whether already constituted or hereafter to be constituted by a power of attorney under a seal purporting to be the common seal of the corporation giving the power may make such application for or on behalf of the corporation of which he or she is the attorney, and may make the requisite declaration to the best of his or her knowledge, information and belief, and may subscribe the application in his or her own name.

10. Application when no dealing has been registered under Cap. 113, 1951 Revision, Ordinance 3 of 1904 or Cap. 81.

If on any such application or dealing as aforesaid it appears to the registrar that no transaction affecting the land has been registered under the Land Regulations, the Registration of Documents Ordinance, 1904, or the Registration of Documents Act, he or she shall bring the land under the operation of this Act forthwith by registering a certificate of title to the land in the form in the Third Schedule to this Act.

11. Application when a dealing has been registered.

If it appears to the registrar that any such transaction as aforesaid has been registered and that all incumbrances affecting the land (excepting such as are hereafter mentioned as not requiring special notification) have been released,

or that the owners of the land have consented to the application, or that any incumbrance (not being a mortgage the owner of which has not consented to the application) may be specified in the certificate of title and continue outstanding, the registrar shall publish notice of the application in the Gazette and shall serve the notice on such person or persons as he or she may think fit, and shall appoint a time not less than twenty-eight days nor more than twelve months from the publication of the notice on or after the expiration of which the registrar shall, unless a caveat is lodged forbidding it, bring the land under the operation of this Act.

12. Rejection of application for delay.

The registrar may, after giving to the applicant or his or her agent one month's notice in this behalf, reject the application unless the applicant adduces satisfactory proof that he or she is proceeding without unnecessary delay in complying with any requisitions on the title made by the registrar.

13. Notices of application.

Upon any application being made to bring land under this Act, or in any such dealing as aforesaid, the registrar shall serve the notice thereof mentioned in section 11 on all persons appearing on the register to have a then subsisting estate or interest in the land.

14. Person claiming title by possession to post notice of application on land.

On any application to bring land under this Act on a title claimed by possession, the applicant shall post on the land the subject of the application or at such place as the registrar directs a notice in the form of Form II of the First Schedule to this Act, either accurately describing or necessarily including the land claimed by possession, and shall keep that notice so posted for not less than twenty-one days prior to the granting of the application; and the registrar may refuse to issue the certificate until it has been proved to his or her satisfaction that the requirements of this section have been complied with.

15. Land to be brought under the Act unless caveat received.

If before the registration of the certificate the registrar has not received a

caveat forbidding the registration, he or she shall bring the land under this Act by registering in the name of the applicant or in the name of such person as has been directed in that behalf a certificate of title to the land in the form in the Third Schedule to this Act.

16. Land occupied may be brought under the Act by a different description from that in the title.

On any application to bring land under this Act in which the land actually and bona fide occupied by the applicant differs in boundaries, area or position from the land described in his or her muniments of title, he or she may apply to bring under this Act the land so occupied; and in any such case the applicant shall state in his or her application in addition to the other particulars required by this Act that the land as occupied by him or her and as to which he or she applies for a certificate is not correctly described in the muniments of title lodged in support of the application, and shall specify to the best of his or her knowledge and belief the reasons for the discrepancy between the land as occupied and the land as described in the muniments of title.

17. Application to bring land under the Act may be granted as to land occupied under but not described in the title deeds.

On any application to bring land under this Act by a description different from that in the muniments of title, the registrar may grant the application as to the land in the occupation of the applicant if the discrepancy between the land as occupied and as described in the muniments appears to be due to the inaccuracy of any survey or plan or description on the sale of the land by the Government of Uganda or controlling authority or on any subsequent dealing therewith, or to any discrepancy between the actual measurements or bearings at any time made or marked on the ground and those represented or mentioned in any plan or description.

18. In case of error in Government survey, title may correspond to actual dimensions.

If the land included in any application to bring land under this Act consists of an estate or plot surveyed by the Government and it is found by survey or

otherwise that by reason of erroneous measurements in the original Government survey the actual dimensions of the estate or plot as marked on the ground exceed or fall short of the dimensions given in the grant of the land, the registrar may issue a certificate in respect of that land as if the dimensions marked on the ground had been the dimensions given in the grant.

19. Excess of land may be apportioned between different owners or proprietors.

Where a block or section of public land has been subdivided into plots or portions of equal area and by reason of erroneous measurements in the original survey the area of the block or section as marked on the ground exceeds the sum of the areas of all the plots or portions as shown by any plan or description used at the sale or by any grant or certificate of title of any such plot or portion, the total excess of area of the block or section shall be deemed originally distributable among the plots or portions equally; and if the area of the land included in any application to bring land under this Act is in the applicant's possession and was in that applicant's possession or in the possession of those through whom he or she claims for over twelve years previous to the application and does not exceed the area obtained by dividing the area of the block or section as shown on the ground by the number of original plots or portions, the registrar may without ascertaining the dimensions of the other plots or portions and without the consent of the owner or owners of those plots or portions issue a certificate in respect of the land included in that application as if the whole of it had been included by measurements and boundaries in the original grant or certificate of title of that plot or portion.

20. Parties interested may lodge caveat.

(1) Any person claiming any estate or interest in the land described in any notice issued by the registrar under this Act may, before the registration of the certificate, lodge a caveat with the registrar in the form in the Fourth Schedule to this Act forbidding the bringing of that land under this Act.

(2) Every caveat lodged under subsection (1) shall be signed by the caveator or by his or her agent, and shall particularise the estate or interest

claimed; and the person lodging the caveat shall, if required by the registrar, support the caveat by a statutory declaration stating the nature of the title under which the claim is made, and also deliver a perfect abstract of the title to that estate or interest.

(3) No caveat under this section shall be received unless some address or place in which a post office is situated shall be appointed in it as the place at which notices and proceedings relating to the caveat may be served.

21. Proceedings suspended if caveat received.

(1) The registrar upon receipt of a caveat lodged under section 20 shall notify the applicant of the caveat, and shall suspend proceedings in the matter until the caveat has been withdrawn or has lapsed as provided in section 22 or 24 or until an order in the matter has been obtained from the High Court.

(2) The applicant may, if he or she thinks fit, summon the caveator to attend before the High Court to show cause why the caveat should not be removed, and the High Court may, upon proof that the caveator has been summoned, make such order in the premises either ex parte or otherwise and as to costs as to it seems fit.

22. Caveat to lapse unless proceedings taken within one month.

(1) After the expiration of one month from the receipt of a caveat that caveat shall be deemed to have lapsed, unless the person by whom or on whose behalf it was lodged within that time has taken proceedings in a court of competent jurisdiction to establish his or her title to the estate or interest specified in the caveat, and has given written notice of the proceedings to the registrar, or has obtained and served on the registrar an injunction or order of the High Court restraining him or her from bringing the land under this Act.

(2) A caveat shall not be renewed by or on behalf of the same person in respect of the same estate or interest.

23. Production of title deeds in support of an application to bring land under the Act.

After an application has been made to have any land brought under the

operation of this Act, the registrar may require all persons having in their possession or custody any deeds, instruments or evidences of title relating to or affecting the land the subject of that application to produce them at the office of titles for his or her inspection.

24. Applicant may withdraw application.

An applicant may withdraw his or her application at any time prior to the registration of the certificate; and the registrar shall in that case return to the applicant or to the person appearing by the application to be entitled to them all muniments of title lodged in support of the application; but in that case, if a caveator has been put to expense without sufficient cause by reason of the application, he or she shall be entitled to receive from the applicant such compensation as a judge of the High Court on a summons in chambers deems just and orders.

25. Endorsement of prior title deeds.

(1) Upon registering a certificate of title, the registrar shall endorse and sign upon the last in date of those documents registered under the Land Regulations, the Registration of Documents Ordinance, 1904, or the Registration of Documents Act, as shall have been lodged in support of the application a memorandum that land included in that document has been brought under this Act without specifying the land or referring to the certificate in which the land brought under this Act is included and shall forward a copy of the memorandum to the registrar of documents who shall thereupon endorse and sign a like memorandum on the registered copy of the document; and if the documents lodged relate to any property other than the land included in the certificate, the registrar shall return them to the applicant or to the person appearing by the applicant to be entitled to them; otherwise the registrar shall stamp each of them as cancelled and after he or she has so stamped them shall retain them in the office; and no person shall be entitled to an inspection of the documents or to have any copy of them or extract from them without the written order of the applicant or of some person claiming through or under him or her or upon the order of the High Court.

(2) No action shall be brought upon any covenant or agreement for the production of the documents which are retained under subsection (1) or upon any agreement to give or enter into a covenant for the production of those documents; and if any such action is commenced, it shall be a sufficient

answer to it that the documents are retained under this Act.

26. Subsisting lease to be endorsed and returned.

Where any subsisting lease has been lodged, the registrar shall, after he or she has endorsed it as provided in section 25 in the case of the last in date of material registered documents, return the lease to the person lodging it upon the applicant lodging with the registrar a certified copy of the lease.

27. Record book to be kept of documents.

(1) The registrar shall keep a book to be called the "Record Book" in which shall be kept a record of all deeds and documents produced and used in support of each application to bring land under this Act which hereafter is granted.

(2) The record referred to in subsection (1) shall state briefly the nature and date of and parties to every such deed or document, by whom executed or signed, and whether registered under the Land Regulations, the Registration of Documents Ordinance, 1904, or the Registration of Documents Act, or not, and if registered the date of the registration; and the Record Book shall be open for inspection by the public during the hours and days of business on payment of the prescribed fee.

28. Certificate of title to issue in name of deceased applicant or his or her nominee.

In case the applicant or the person in whose name the applicant has requested that the certificate of title shall be issued dies between the application and the registration of the certificate, it shall be registered in the name of that applicant or of that person, as the case may be, and the land shall devolve or pass in like manner as if the certificate had been registered prior to the death of that applicant or person.

29. Application to bring under the Act land registered under Ordinance 11 of 1908.

Any person in whose name any land is registered under the Registration of Land Titles Ordinance, 1908, may make an application in the form in the Second Schedule to this Act to the registrar to bring that land under this Act.

30. Procedure.

Upon receipt of any application under section 29, the registrar shall—

(a) bring the land under this Act by registering in the name or names of such person or persons as may be entitled to it a certificate or certificates of title to the land in the form in the Third Schedule to this Act;

(b) record at the foot of the certificate or certificates all incumbrances registered under the Registration of Land Titles Ordinance, 1908, and subsisting at the date of the registration of the certificate or certificates;

(c) endorse the original and duplicate certificate of title under the Registration of Land Titles Ordinance, 1908, as follows:

> "Cancelled. Land brought under the operation of the Registration of Titles Act, Vol. _____, Fol. _____"

and the date, and initial the certificates and endorse the original and duplicate grant as follows:

> "Land brought under the operation of the Registration of Titles Act, Vol. _____ Fol. _____"

and the date, and initial the grants and on request return the duplicate documents so endorsed to the applicant.

31. Effect of lodgment of instrument affecting land registered under Ordinance 11 of 1908.

Where, after the commencement of this Act, an instrument affecting land or any interest in land, the title to which is registered under the Registration of Land Titles Ordinance, 1908, is presented for registration, that instrument shall have the same effect and shall be treated in the same manner as an application under section 29 as to the whole of the land comprised in the title affected, and upon the receipt of any such instrument the registrar shall—

(a) register the instrument in the proper folium of the register of titles kept under the Registration of Land Titles Ordinance, 1908;

(b) proceed as directed in section 30.

32. Closing of 1908 register.

(1) When land has been brought under this Act in accordance with section 30 or 31, the register kept under the Registration of Land Titles Ordinance, 1908, shall be closed so far as concerns that land, and there shall be no further registration in respect of the land in that register.

(2) Land shall be deemed to have been brought under this Act as from the date on which the certificate of title with respect to the land shall have been signed by the registrar.

33. Fees.

The fees payable for the registration of an instrument under section 31 shall be the same as would be payable for the registration of a like instrument under the Registration of Land Titles Ordinance, 1908, and in respect of the bringing of land under this Act in accordance with section 30 or 31 of this Act the fees specified in the Twenty-second Schedule to this Act shall be payable.

34. Fee for assurance of title.

(1) Upon first bringing land under the operation of this Act whether on a grant or consequent upon an application or dealing as hereinbefore provided, there shall be paid to the registrar as a fee in respect of the assurance of title the sum specified in that behalf in the Twenty-second Schedule to this Act; and in the case of freeholds brought under this Act upon a grant, the value of the freehold for the purpose of ascertaining that sum shall be deemed to be the price paid for the land; and in the case of leaseholds brought under this Act upon a grant, the value shall be deemed to be twenty times the annual rent reserved; and in other cases the value shall be ascertained by the statutory declaration of the applicant.

(2) If the registrar is not satisfied of the correctness of the value sworn to under subsection (1), he or she may require the applicant to produce a certificate of the value under the hand of a sworn valuer, which certificate shall be received as conclusive evidence of the value.

(3) Nothing in this section shall apply to any land included in a final

mailo certificate whenever issued, unless prior to the application to bring that land under the operation of this Act it has been transferred to a person not an African of Uganda.

35. Additional assurance fee in case of imperfect title.

(1) Notwithstanding anything hereinbefore contained, the registrar may, after the publication at the applicant's expense of such advertisements as he or she deems fit, bring any land under the operation of this Act upon the applicant paying as an additional fee in respect of assurance of title a sum of money equal to 5 percent of the total value of the land as an indemnity by reason of the nonproduction of any document affecting the title or of the imperfect nature of the evidence of title, or against any uncertain or doubtful claim or demand arising upon the title.

(2) Where the registrar is not satisfied that sufficient evidence of title to any land has been produced, he or she may refuse to bring that land under the operation of this Act.

36. Registration of leaseholds.

(1) Any lease of freehold or mailo land registered under this Act of which not less than ten years are unexpired may be brought under the operation of this Act as near as may be in the manner and subject to the provisions of this Act relating to lands alienated before the Registration of Land Titles Ordinance, 1908, and the provisions of this Act shall, with such adaptations as may be necessary, extend and apply accordingly.

(2) Every certificate of title to leasehold land shall be subject to the rights and powers of the lessor or other proprietor of the reversion immediately expectant upon the term.

(3) Any certificate of title to a lease granted by a registered proprietor of freehold or mailo land which has, prior to the 9th August, 1962, been issued by the office of titles shall be deemed to have been validly issued in accordance with this Act.

PART IV—CERTIFICATES OF TITLE AND REGISTRATION.

37. Register Book.

(1) The registrar shall keep a book, to be called the "Register Book" and shall register in it certificates of title, and shall enter in such manner as to preserve their priorities the particulars of all dealings and matters affecting the land by this Act required to be registered or entered.

(2) The registrar may—

(a) keep the Register Book, or any part of it, in such loose-leaf or other form as he or she may consider appropriate;

(b) keep the Register Book in parts, each relating to a district, county, subcounty or other convenient area.

(3) Every person whose name is entered in the Register Book as proprietor of any land, or any interest in land, or as a caveator, or as entitled to receive any notice, or in any other capacity, shall furnish to the registrar a place of address in Uganda.

38. Certificates of title.

(1) Certificates of title shall be in one of the forms in the Third Schedule to this Act and shall be in duplicate.

(2) One of the certificates shall be registered in the Register Book, and the other original (hereafter called the duplicate) shall be issued to the person entitled to it.

(3) Each certificate of title shall constitute a separate folium of the Register Book.

(4) Whenever it shall appear expedient to the registrar, he or she may cancel the certificate of title registered in the Register Book and may register a certificate of title in any of the forms prescribed under this Act in lieu of that certificate, but the registrar shall not issue any such new certificate until the duplicate of the certificate cancelled under this subsection is in his or her hands.

(5) Where the Register Book is kept in parts under section 37(2)(b), the registrar shall—

(a) file each certificate in the appropriate part of the Register Book, by reference to the location of the land in respect of which the

certificate is registered; and

(b) enter upon the certificate a reference to the block and plot number of the land in respect of which the certificate is registered, as shown on a plan approved by the commissioner of lands and surveys.

(6) Where the registrar has entered upon a certificate a reference to the block and plot number under subsection (5), references in this Act to a volume or folium of the Register Book shall be construed as references to that block or plot number, as the case may be.

39. Issue of limited certificates.

Where the registrar deems it necessary or expedient to do so, he or she may, after the 1st November, 1958, in respect of any land for which no certificate of title has previously been registered and of which no survey plan has been deposited, with the consent of the commissioner of lands and surveys, register a certificate in any of the prescribed forms which is endorsed with the words "Limited as to Parcels".

40. Removal of limitation as to parcels.

On payment of the prescribed fee, the registrar may remove the limitation as to parcels from a limited certificate or may register an ordinary certificate in lieu of the limited certificate, but he or she shall not be bound to do so until—

(a) he or she is satisfied by the deposit of a survey plan and of such other evidence as he or she may deem necessary, that no part of the land to which the limited certificate relates is held in occupation adverse to the title of its proprietor; and

(b) he or she has given to the persons appearing to him or her to be the proprietors of adjoining land such notice as he or she deems necessary of his or her intention to remove the limitation, and until the expiration of that notice.

41. Ordinary certificate not to be registered until limitation removed.

Except as otherwise provided in this Act, so long as a certificate continues to be limited as to parcels, no new certificate, other than a limited certificate, shall be registered in substitution for it, or for any part of the land comprised in it, unless in the latter case the limitation as to parcels does not affect the

part of the land for which the new certificate is sought to be registered.

42. Application of Act to limited certificate.

Except as otherwise provided in this Act, all the provisions of this Act shall, so far as the circumstances of the case will admit, apply with respect to land comprised in a limited certificate and to the registration of instruments and other matters affecting the land.

43. No action against Government in certain cases.

No action for the recovery of damages shall lie against the Government by the proprietor of land comprised in any limited certificate or by any other person by reason of any error or omission in the description of the parcel of land comprised in that certificate.

44. Area of land need not be mentioned in certificate.

It shall not be necessary to mention the area of any parcel of land included in a certificate where the area of the parcel is less than one acre, and the omission to refer to the area of the land comprised in a certificate shall not in any case invalidate the certificate.

45. Receipts may be required for duplicate certificates.

On the delivery of any duplicate certificate of title, a receipt for it in the handwriting of the proprietor may when practicable be required to be signed by him or her.

46. Effective date of registration; the duly registered proprietor.

(1) Subject to section 138(2), every certificate of title shall be deemed and taken to be registered under this Act when the registrar has marked on it—

(a) the volume and folium of the Register Book in which it is entered; or

(b) the block and plot number of the land in respect of which that certificate of title is to be registered.

(2) Every instrument purporting to affect land or any interest in land,

the title to which has been registered under this Act, shall be deemed to be registered when a memorial of the instrument as described in section 51 has been entered in the Register Book upon the folium constituted by the certificate of title.

(3) The memorial mentioned in subsection (2) shall be entered as at the time and date on which the instrument to which it relates was received in the office of titles together with the duplicate certificate of title and such other documents or consents as may be necessary, accompanied with the fees payable under this Act.

(4) The person named in any certificate of title or instrument so registered as the grantee or as the proprietor of or having any estate or interest in or power to appoint or dispose of the land described in the certificate or instrument shall be deemed and taken to be the duly registered proprietor of the land.

47. Registration of transfers of mortgages and transfers or mortgages of leases, etc.

On the registration of any transfer of a mortgage and every transfer or mortgage of a lease or sublease, there shall be endorsed on the mortgage, lease or sublease respectively so transferred or mortgaged a memorial of the instrument as described in section 51, and it shall not be necessary to enter that memorial in the Register Book upon the folium constituted by the existing certificate of title.

48. Instruments entitled to priority according to date of registration.

(1) Every instrument, excepting a transfer, presented for registration may be in duplicate and shall be registered in the order of and as from the time at which the instrument is produced for that purpose, and instruments purporting to affect the same estate or interest shall, notwithstanding any actual or constructive notice, be entitled to priority as between themselves according to the date of registration and not according to the date of the instrument.

(2) Upon the registration of any instrument not in duplicate, the registrar shall file and retain it in the office of titles, and upon the registration of any instrument in duplicate, the registrar shall file one original and shall

deliver the other, hereafter called the duplicate, to the person entitled to it.

49. Leases and mortgages may be in triplicate.

Any lease or mortgage presented for registration may be in triplicate, and upon the registration of that lease or mortgage as provided by section 48 the parts not retained shall be delivered to the person presenting the lease or mortgage for registration; but in every case of registration in triplicate, the word "triplicate" shall be endorsed upon each instrument and initialled by the registrar and the words "lessor's part" shall be similarly endorsed and initialled upon one and the words "lessee's part" upon the other of the two leases returned, and the words "mortgagor's part" shall be similarly endorsed and initialled upon one and the words "mortgagee's part" upon the other of the two mortgages returned.

50. No notice of trusts to be entered in Register Book.

The registrar shall not enter in the Register Book notice of any trust whether express, implied or constructive; but trusts may be declared by any document, and a duplicate or an attested copy of the document may be deposited with the registrar for safe custody and reference; and the registrar, should it appear to him or her expedient to do so, may protect in any way he or she deems advisable the rights of the persons for the time being beneficially interested thereunder or thereby required to give any consent; but the rights incident to any proprietorship or any instrument dealing or matter registered under this Act shall not be affected in any manner by the deposit of the duplicate or copy nor shall the duplicate or copy be registered.

51. Memorial defined.

Every memorial entered in the Register Book shall state the nature of the instrument to which it relates, the time of the production of that instrument for registration and the name of the party to whom it is given and shall refer by number or symbol to the instrument, and shall be signed by the registrar.

52. Memorial to be entered on duplicate instrument.

Whenever a memorial of any instrument has been entered in the Register Book, the registrar shall thereupon enter the like memorial on the duplicate certificate of title unless the production of the duplicate is dispensed with as

provided in section 69; and he or she shall endorse on every instrument registered a certificate of the entry of the memorial on the folium of the register on which the same is entered and shall authenticate the certificate by signing his or her name to it; and that certificate shall be received in all courts as conclusive evidence that the instrument has been duly registered.

53. Signature of registrar substituted for seal in certain cases.

On the first issue of a certificate of title the seal of the office of titles shall be impressed on the certificate together with the signature of the registrar; and on the entry thereon of every subsequent memorial that memorial shall be signed by the registrar and it shall not be necessary to impress the seal on it; and such certificate and memorial shall be received in all courts as conclusive evidence that the instrument has been registered; and all courts and persons acting judicially shall take judicial notice of the seal and signature and shall presume that the seal was properly impressed and that the signature was properly attached.

54. Instruments not effectual until registered.

No instrument until registered in the manner herein provided shall be effectual to pass any estate or interest in any land under the operation of this Act or to render the land liable to any mortgage; but upon such registration the estate or interest comprised in the instrument shall pass or, as the case may be, the land shall become liable in the manner and subject to the covenants and conditions set forth and specified in the instrument or by this Act declared to be implied in instruments of a like nature; and, if two or more instruments signed by the same proprietor and purporting to affect the same estate or interest are at the same time presented to the registrar for registration, he or she shall register and endorse that instrument which is presented by the person producing the duplicate certificate of title.

55. Proprietor of land entitled to certificate of title.

The proprietor of land under the operation of this Act shall be entitled to receive a certificate of title to it; and, if any certificate is issued to a minor or to a person under any other disability, the registrar shall state the age of the minor or the nature of the disability so far as known to him or her.

56. Joint tenants and tenants in common.

Two or more persons who are registered as joint proprietors of land shall be deemed to be entitled to the land as joint tenants; and in all cases where two or more persons are entitled as tenants in common to undivided shares of or in any land, those persons shall in the absence of any evidence to the contrary be presumed to hold that land in equal shares.

57. Effect of insertion of the words "no survivorship".

(1) Upon the transfer of any land and upon the lease of any freehold land to two or more persons as joint proprietors with the words "no survivorship" endorsed on the transfer or lease, the registrar shall enter those words in the memorial of that transfer or lease and also upon any certificate of title issued to the joint proprietors pursuant to the transfer and sign his or her name thereto.

(2) Two or more joint proprietors of any land or of any lease of freehold land may by writing under their hands direct the registrar to enter the words "no survivorship" upon the certificate of title or instrument relating to the property.

(3) In every case after the words "no survivorship" have been signed by the registrar, whether under this or any preceding section, it shall not be lawful for any persons other than the proprietors registered to transfer or otherwise deal with the property without the order of the High Court.

58. Notice to be published before making order in respect of land under section 57.

(1) Before making any order required under section 57, the High Court shall cause notice of the intention to do so to be notified at the expense of the person applying for the order in the Gazette and shall appoint a time within which any person interested may show cause against the order being made.

(2) After the expiration of the time appointed under subsection (1), the High Court may give directions for the transfer of such land or lease to any new proprietor or proprietors solely or jointly with or in the place of any existing proprietor or proprietors or make such order in the premises as is just for the protection of any persons beneficially interested in the property or in

the proceeds of the property; and on that order being deposited with the registrar, he or she shall make such entries and perform such acts for giving effect to the order as the provisions of this Act render necessary.

59. Certificate to be conclusive evidence of title.

No certificate of title issued upon an application to bring land under this Act shall be impeached or defeasible by reason or on account of any informality or irregularity in the application or in the proceedings previous to the registration of the certificate, and every certificate of title issued under this Act shall be received in all courts as evidence of the particulars set forth in the certificate and of the entry of the certificate in the Register Book, and shall be conclusive evidence that the person named in the certificate as the proprietor of or having any estate or interest in or power to appoint or dispose of the land described in the certificate is seized or possessed of that estate or interest or has that power.

60. Certificate conclusive evidence as to title to easements.

Whenever any certificate of title or any duplicate registered or issued under any of the provisions or otherwise under the operation of this Act contains any statement to the effect that the person named in the certificate is entitled to any easement specified in the certificate, the statement shall be received in all courts as conclusive evidence that he or she is so entitled.

61. Effect in certificate of words relating to easements.

Whenever any certificate of title referred to in section 60 contains the words "Together with a right of carriage way over _____" [specifying or describing the road or roads over which the easement is created and referring to a plan endorsed whereon such road or roads is or are coloured brown] those words shall have the same effect and shall be construed as if there had been inserted in that certificate of title the words contained in the Fifth Schedule to this Act.

62. Extension of Third Schedule to easements.

The Third Schedule to this Act shall be deemed to extend to the setting forth

of the easements mentioned in sections 60 and 61.

63. Certificate to be conclusive evidence in action for specific performance or damages.

In any action for specific performance or for damages brought by a proprietor of any land under the operation of this Act against a person who has contracted to purchase the land not having notice of any fraud or other circumstances which according to this Act would affect the right of the vendor, the certificate of title of the proprietor shall be held to be conclusive evidence that the proprietor has a good and valid title to the land for the estate or interest mentioned or described in the certificate of title, and shall in any such action entitle the proprietor to a decree for the specific performance of the contract.

64. Estate of registered proprietor paramount.

(1) Notwithstanding the existence in any other person of any estate or interest, whether derived by grant or otherwise, which but for this Act might be held to be paramount or to have priority, the proprietor of land or of any estate or interest in land under the operation of this Act shall, except in the case of fraud, hold the land or estate or interest in land subject to such incumbrances as are notified on the folium of the Register Book constituted by the certificate of title, but absolutely free from all other incumbrances, except the estate or interest of a proprietor claiming the same land under a prior registered certificate of title, and except as regards any portion of land that by wrong description of parcels or boundaries is included in the certificate of title or instrument evidencing the title of such proprietor not being a purchaser for valuable consideration or deriving from or through such a purchaser.

(2) Notwithstanding subsection (1), the land which is included in any certificate of title or registered instrument shall be deemed to be subject to the reservations, exceptions, covenants, conditions and powers, if any, contained in the grant of that land, and to any rights subsisting under any adverse possession of the land, and to any public rights of way and to any easements acquired by enjoyment or use or subsisting over or upon or affecting the land, and to any unpaid rates and other monies which without reference to registration under this Act are by or under the provisions of any written law declared to be a charge upon land in favour of any Government department

or officer or any public authority, and to any leases, licences or other authorities granted by the Governor or any Government department or officer or any public authority, and in respect of which no provision for registration is made and also, where the possession is not adverse, to the interest of any tenant of the land, notwithstanding the same respectively are not specially notified as incumbrances on the certificate or instrument.

65. Easements existing under deed or writing to be noticed as incumbrances.

Notwithstanding the reservation in section 64 of any easements subsisting over or upon or affecting any land comprised in any certificate of title, the registrar shall specify upon any future certificate of the land and the duplicate of the certificate as an incumbrance affecting the land any subsisting easement over or upon or affecting the land which appears to have been created by any deed or writing.

66. Reversions expectant on leases.

The person named in any certificate of title as the proprietor of an estate of freehold in possession in the land described in the certificate of title shall be held in every court to be seized of the reversion and inheritance in the land immediately expectant upon the term of any lease that is mentioned as an incumbrance in the certificate, and to have all powers, rights and remedies to which such a reversioner is by law entitled, and shall be subject to all the covenants and conditions in such lease to be performed and observed by or on the part of the lessor.

67. Upon surrender of existing grants or certificates a single certificate may be obtained.

On the application of any proprietor or of any person entitled to become a proprietor of land under separate certificates of title or under any two or more of such documents and on his or her delivering up the duplicates thereof, the registrar may issue to him or her a single certificate of title for the whole of such land or several certificates as to portions of the land in accordance with the application so far as that may be done consistently with any rules for the time being in force respecting the parcels of land that may be included in one certificate of title; and upon registering any certificate under this section, the registrar shall cancel and retain the previous certificate, and shall endorse

upon it a memorandum setting forth the occasion of the cancellation and referring to the new certificate.

68. History of various dealings affecting land to be preserved.

Such references shall be noted in the Register Book and on instruments filed hereunder as will allow the title to be traced either downwards from or upwards to the original certificate of title; but it shall not be necessary in any certified copy of any grant, certificate or instrument to insert such references; and every such copy shall be deemed complete, notwithstanding the omission of such references.

69. Registrar's powers of dispensation with production.

Notwithstanding this Act, the registrar may, in his or her discretion, dispense with the production of—

(a) any duplicate certificate of title;
(b) any original or copy of any instrument or other document;
(c) any signature, advertisement or notice; or
(d) any information,

required to be produced, given or made, as the case may be, by this Act.

70. Lost grant.

If the duplicate certificate of title is lost or destroyed or becomes so obliterated as to be useless, the persons having knowledge of the circumstances may make a statutory declaration stating the facts and the particulars of all incumbrances affecting the land or the title to the land to the best of the deponents' knowledge, information and belief; and the registrar if satisfied as to the truth of the statutory declaration and the bona fides of the transaction may issue to the proprietor a special certificate of title to the land, which special certificate shall contain an exact copy of the certificate of title in the Register Book and of every memorandum and endorsement on it, and shall state why the special certificate is issued; and the registrar shall at the same time enter in the Register Book notice of the issuing of the special certificate and the date of its issuance and why it was issued; and the special certificate shall be available for all purposes and uses for which the duplicate certificate of title so lost or destroyed or obliterated would have been available, and shall be equally valid with the duplicate certificate of title to all intents; but the registrar before issuing a special certificate always shall

give at the applicant's expense at least one month's notice in the Gazette of his or her intention to do so.

71. Issue of special certificate.

Where under any provisions of the Civil Procedure Act any court calls upon the registrar to issue a special certificate of title, the registrar shall issue the special certificate as prescribed by section 70; but the registrar before issuing the special certificate shall give notice in the Gazette of his or her intention to do so, whereupon any person who wishes to oppose the issue of the certificate may, within one month of the date of the notice, make an application to the court in that behalf.

72. Copy of lost or destroyed certificate.

If any original certificate of title is lost or destroyed or so obliterated as to become illegible, the registrar may cause a copy of it to be prepared and to be endorsed with all such entries as were upon the original so far as they can be ascertained from the records of the office and other available information and shall make and sign a memorandum upon the copy stating that it is a substitute to be used in place of the original, and what has become of the original so far as known or supposed, and from the date of the copy being so signed it may be bound up in the Register Book and used in place of the original for the purpose of dealings.

73. Registrar may call in duplicate certificate on sale by court or mortgagee or when required for cancellation, etc.

On any transfer by a mortgagee to a purchaser or under any decree, judgment or order of any court, of any land, estate or interest under this Act, or for the purpose of registering any instrument subject to a first mortgage or for the purpose of rectifying or cancelling any certificate under this Act or for the purpose of inspection in case of loss, destruction or obliteration of any original certificate of title, the registrar shall by writing under his or her hand require the judgment debtor, mortgagor or mortgagee or proprietor of the land comprised in any duplicate or triplicate certificate of title, mortgage, lease or other instrument, or the person having possession, custody or control of any such duplicate or triplicate, to send it to the office of titles within a period named in the requisition, not less than seven days from the date of the requisition, to be endorsed, cancelled, rectified or otherwise dealt with, as the

case requires.

74. Refusal to send in duplicate or triplicate certificate.

If any person refuses or neglects to comply with a requisition under section 73 or if the registrar receives no reply from the person, the registrar shall proceed, *mutatis mutandis,* in accordance with section 70.

75. Lists of certificates called in for cancellation to be exhibited.

Lists of certificates of title called in for cancellation or rectification and not sent in shall be exhibited in the office of titles, and shall be advertised in the Gazette and in such newspapers and at such time or times as the registrar thinks fit.

76. Words of inheritance or succession to be implied.

Every certificate of any person or corporation sole being the proprietor of an estate in fee simple, whether in possession, remainder or reversion, and every instrument transferring or creating such an estate to or in favour of any person or corporation sole, shall imply and be deemed to include the heirs of that person or the successors of that corporation.

77. Certificate void for fraud.

Any certificate of title, entry, removal of incumbrance, or cancellation, in the Register Book, procured or made by fraud, shall be void as against all parties or privies to the fraud.

PART V—TITLE BY POSSESSION TO LAND UNDER THE ACT.

78. Person claiming title by possession.

A person who claims that he or she has acquired a title by possession to land registered under this Act may apply to the registrar for an order vesting the land in him or her for an estate in fee simple or the other estate claimed.

79. Form of application.

Every application under section 78 shall be—

(a) in writing in the form or to the effect of the Sixth Schedule to this Act, and shall include the several particulars mentioned or referred to in that Schedule;

(b) signed by the applicant, or in the case of a corporation by a person authorised in that behalf in writing under the seal of the corporation;

(c) attested by at least one witness being a person mentioned in that behalf in section 147;

(d) supported by a statutory declaration by the person signing it that the several statements in it are true; and

(e) accompanied by a survey plan (with field notes) of the land.

80. Application, how dealt with.

The registrar may reject the application, altogether or in part, or may make such requisitions as to the title claimed to have been acquired, or as to any other matter relating to the application as he or she thinks fit.

81. Advertisement and service of notice of application.

If an application under section 78 is not rejected by the registrar under section 80, he or she shall advertise notice of the application, at the applicant's expense, once at least in the Gazette, and may give the notice to such person or persons as he or she deems fit; and notice of the application shall be given to every person appearing by the Register Book to have any estate or interest in the land or in any incumbrance notified on the title of the land.

82. Copy to be posted.

The applicant shall cause a copy of the notice of application to be posted in a conspicuous place on the land or at such place as the registrar directs, and to be kept so posted for not less than three months prior to the granting of the application.

83. Time to be appointed by registrar after which application may be granted.

The registrar shall appoint a time not less than three months nor more than twelve months from the publication of the advertisement or service of the

notice of application at or after the expiration of which he or she may, unless a caveat is lodged forbidding it, grant the application altogether or in part.

84. Contents of notice.

(1) The notice of application required by section 81 shall—

(a) specify the volume and folium of the grant or certificate of title affected by the application, and any mortgage or lease registered as an incumbrance on the grant or certificate of title; and

(b) be dated and be served by being sent in a registered letter marked outside "Office of Titles", posted to each person to be served at his or her address, if any, stated in the Register Book, subject to section 191, or supplied by the applicant.

(2) The registrar shall cause a copy of each notice to be filed with a memorandum of the notice having been sent, and the memorandum shall be sufficient evidence that the notice was duly sent.

85. Power to reject application.

At any time prior to granting an application, the registrar may reject the application altogether or in part if the applicant fails to comply to his or her satisfaction with any requisition made by him or her within such time as to him or her seems reasonable.

86. Caveat forbidding grant of application.

(1) A person claiming any estate or interest in the land in respect of which any such application is made may before the granting of the application lodge a caveat with the registrar forbidding the granting of the application.

(2) The caveat shall in all other respects be in the same form and be subject to the same provisions and have the same effect with respect to the application against which it is lodged as a caveat against bringing land under the operation of this Act.

87. Cancellation of existing certificate and issue of new one.

Subject as aforesaid, after the expiration of the time appointed, the registrar,

if satisfied that the applicant has acquired a title by possession to the land, may—

(a) cancel the existing certificate of title and any instrument, entry or memorial in the Register Book altogether or to such extent as is necessary; and

(b) issue to the applicant or person entitled to receive it a new certificate of title for an estate in fee simple or the other estate acquired in the land by the applicant free from all incumbrances appearing by the Register Book to affect the existing title, which have been determined or extinguished by such possession and free from any easement notified as an incumbrance which has been proved to the satisfaction of the registrar to have been abandoned.

88. Fee for assurance of title.

Upon granting the application the registrar may grant it conditionally upon the applicant paying as an additional fee in respect of assurance of title such a sum of money as the registrar considers to be a sufficient indemnity by reason of the imperfect nature of the evidence of title or as against any uncertain or doubtful claim or demand incident to or which may arise upon the title or any risk to which the Government may be exposed by granting the application.

89. Entries to be made by registrar.

Upon granting the application the registrar shall make entries similar to those directed to be made by section 166, and the making or omission to make such entries shall be attended by the same results as declared by section 166 in respect of the entries mentioned in that section.

90. Duty of registrar as to cancellation.

In cancelling any certificate of title, instrument or any memorial or entry in the Register Book, the registrar shall endorse on it a memorandum stating the circumstances in which the cancellation is made.

91. Effect of new certificate of title.

(1) Any certificate of title issued by the registrar upon the granting of any application under this Part of this Act shall be issued and registered in the manner prescribed by section 37, and thereupon the person named in the certificate of title shall become the registered proprietor of that land.

(2) The certificate shall be dated the date of the granting of the application by the registrar.

PART VI—DEALINGS WITH LAND.

Transfers.

92. Form of transfer.

(1) The proprietor of land or of a lease or mortgage or of any estate, right or interest therein respectively may transfer the same by a transfer in one of the forms in the Seventh Schedule to this Act; but where the consideration for a transfer does not consist of money, the words "the sum of" in the forms of transfer in that Schedule shall not be used to describe the consideration, but the true consideration shall be concisely stated.

(2) Upon the registration of the transfer, the estate and interest of the proprietor as set forth in the instrument or which he or she is entitled or able to transfer or dispose of under any power, with all rights, powers and privileges belonging or appertaining thereto, shall pass to the transferee; and the transferee shall thereupon become the proprietor thereof, and while continuing as such shall be subject to and liable for all the same requirements and liabilities to which he or she would have been subject and liable if he or she had been the former proprietor or the original lessee or mortgagee.

(3) Notwithstanding this Act, the registrar may register any transfer executed under section 5 of the Possession of Land Law of the Kingdom of Buganda.

93. Transfer to include right to sue under it.

By virtue of every such transfer as is herein mentioned, the right to sue upon any mortgage or other instrument and to recover any debt, sum of money, or damages under it, notwithstanding the same is deemed or held to constitute

a chose in action, and all interest in any such debt, sum of money or damages shall be transferred so as to vest the interest at law as well as in equity in the transferee of the interest; but nothing in this section shall prevent any court from giving effect to any trusts affecting such debt, sum of money or damages, in case the transferee as between himself or herself and any other person holds the same as a trustee.

94. Proprietor may vest estate jointly in himself or herself and others without limiting any use, etc.

The proprietor of land or of any estate or interest in land under the operation of this Act, whether of the nature of real or personal property, may transfer that land, estate or interest to his wife; or if the proprietor is a married woman, she may make such transfer to her husband; or the proprietor may make such transfer directly to himself or herself and another person, or jointly with any other person to himself or herself alone, or to create or execute any power of appointment or disposition, or to create or limit estates in remainder or otherwise as legal estates of or concerning land the subject thereof without the intervention of any precedent or particular estate, and also like estates as legal estates without the employment or intervention of any form of use; and upon the registration of the transfer the land, estate or interest shall vest in the transferee solely or jointly, as the case may be, or in the person in whose favour any such power has been executed, or taking under any such limitation or otherwise according to the intent and meaning of such instrument; and she, he or they shall become and be deemed the proprietor or proprietors thereof.

95. Instruments when signed and registered to have the same efficacy as a deed acknowledged.

Every transfer or other instrument shall be deemed of the same efficacy as if under seal, and when signed by the proprietor and registered shall be as valid and effectual to all intents and purposes for conveying, passing or conferring the estates, interests or rights expressed to be thereby transferred, leased or created respectively, as a deed duly executed and acknowledged by the same person would have been under any law heretofore or now in force, or as any other form of document would have been either at law or in equity.

96. Transfer of portion of the lands comprised in certificate.

If the transfer purports to transfer part of the land mentioned in any certificate of title, the transferor shall deliver up the duplicate certificate of title; and the registrar shall endorse on the original and duplicate certificate a memorandum of the transfer; and the duplicate certificate of title shall be returned endorsed as aforesaid to the transferor; and the registrar shall make out to the transferee a certificate of title to the land mentioned in the transfer, and whenever required by the proprietor of the untransferred portion shall, upon delivery up for total cancellation of the partially cancelled certificate of title, make out to such proprietor a certificate of title to the untransferred portion; but the registrar may at his or her discretion instead of returning a partially cancelled certificate to the transferor require the transferor to take out a new certificate for the land still comprised in the partially cancelled certificate.

97. Transfer of all the land comprised in a certificate.

If a transfer purports to transfer the whole of the land mentioned in any certificate of title, the registrar shall enter in the Register Book and on the duplicate certificate of title a memorandum of the transfer and deliver the duplicate to the transferee; and every certificate of title with such memorandum shall be as effectual for the purpose of evidencing title and for all other purposes of this Act as if the old certificate of title had been cancelled and a new certificate had been issued to the transferee in his or her own name; but when in the opinion of the registrar any certificate of title cannot for want of space or other cause conveniently bear any further endorsement, he or she may require cancellation and the issue of a new certificate as provided in section 96.

98. Transferee of land subject to mortgage to indemnify transferor.

In every transfer of land under the operation of this Act subject to a mortgage there shall be implied a covenant with the transferor by the transferee, binding the latter and his or her heirs, executors, administrators and transferees that he or she or they will pay the interest secured by the mortgage at the rate and at the times and in the manner specified in the mortgage, and will indemnify and keep harmless the transferor and his or her representatives from and against the principal sum secured by the mortgage and from and against all liability in respect of any of the covenants contained in the mortgage or by law declared to be implied in it on the part of the transferor.

99. Creation of easements.

Whenever any transfer or lease of freehold land contains the words "Together with a right of carriage way over _____" (specifying or describing the road or roads over which the easement is created and referring to a plan endorsed on which the road or roads is or are coloured brown), those words shall have the same effect and be construed as if there had been inserted in the transfer or lease the words contained in the Fifth Schedule to this Act.

100. Memorial of easements to be registered.

A memorial of any transfer or lease creating any easement over or upon or affecting any land under the operation of this Act shall be entered upon the folium of the Register Book constituted by the existing certificate of title of that land in addition to any other entry concerning that instrument required by this Act.

Leases and subleases.

101. Leases of land.

The proprietor of any freehold or mailo land under the operation of this Act may, subject to any law or agreement for the time being in force, lease that land for any term exceeding three years by signing a lease of it in the form in the Eighth Schedule to this Act; but no lease subject to a mortgage shall be valid or binding against the mortgagee unless he or she has consented in writing to the lease prior to it being registered.

102. Covenants to be implied in every lease against the lessee.

In every lease made under this Act there shall be implied the following covenants with the lessor and his or her transferees by the lessee binding the latter and his or her executors, administrators and transferees—

(a) that he or she or they will pay the rent reserved by the lease at the times mentioned in the lease;

(b) that he or she or they will keep and yield up the leased property in good and tenantable repair, damage from earthquake, storm and tempest, and reasonable wear and tear excepted.

103. Powers to be implied in lessor.

In every lease made under this Act there shall be implied in the lessor and his or her transferees the following powers—

(a) that he or she or they may with or without surveyors, workers or others once in every year during the term, at a reasonable time of the day, enter upon the leased property and view the state of repair of the property;

(b) that in case the rent or any part of it is in arrear for the space of thirty days, although no legal or formal demand has been made for payment of that rent, or in case of any breach or nonobservance of any of the covenants expressed in the lease or by law declared to be implied in the lease on the part of the lessee or his or her transferees, and the breach or nonobservance continuing for the space of thirty days, the lessor or his or her transferees may reenter upon and take possession of the leased property.

104. Short forms of covenants by lessees.

(1) Whenever in any lease made under this Act the lessee employs any of the forms of words contained in column one of the Ninth Schedule of this Act and distinguished by any number in that column, the lease shall be taken to have the same effect and be construed as if he or she had inserted in it the form of words contained in column two of that Schedule and distinguished by the corresponding number; and every such form shall be deemed a covenant with the lessor and his or her transferees by the lessee binding the latter and his or her executors, administrators and transferees; but it shall not be necessary in any such lease to insert any such number.

(2) There may be introduced into or annexed to any of the forms in the first column any express exceptions from or express qualifications thereof respectively; and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column.

105. Covenant to be implied on transfer of lease.

In every transfer of a lease made under this Act, and in every transfer of a grant for years, there shall be implied a covenant with the transferor by the transferee binding him or her and his or her executors, administrators and

transferees that he or she or they will thenceforth pay the rent by the lease or grant reserved, and perform and observe all the covenants contained in the lease or grant or by law declared to be implied in the lease or grant and on the part of the lessee or his or her transferees to be performed and observed, and will indemnify and keep harmless the transferor and his or her representatives against all actions, suits, claims and expenses in respect of the nonpayment of the rent or the breach or nonobservance of the covenants or any of them.

106. Recovery of possession by lessors to be entered in Register Book.

The registrar, upon proof to his or her satisfaction of recovery of possession by a lessor or his or her transferees by any legal proceeding, may make an entry of the recovery of possession in the Register Book; and the term for which the land was leased shall upon that entry being made determine, but without prejudice to any action or cause of action which previously has been commenced or has accrued in respect of any breach or nonobservance of any covenant expressed in the lease or by law declared to be implied in it.

107. Mortgagee of interest of bankrupt lessee may apply to be entered as transferee of the lease and on default lessor may apply.

Upon the bankruptcy of the proprietor of any lease under this Act subject to one mortgage only or to several mortgages if owned by the same person, the registrar, on the application in writing of the mortgagee or his or her transferees accompanied by a statement signed by the official receiver refusing to accept such lease, shall enter in the Register Book a note of the refusal; and that entry shall operate as a foreclosure and as a transfer of the interest of the bankrupt in the lease to the mortgagee or his or her transferees; and, if he or she or they neglect or refuse to make such application as aforesaid within twenty-one days after notice in writing in that behalf from the lessor or his or her transferees has been served on the mortgagee or his or her transferees by being given to him or her or them or by being sent through the post office by a registered letter directed to him or her or them at his or her or their address as stated in the mortgage or transfer of the mortgage, the registrar, on the application in writing of the lessor or his or her transferees to be registered as surrenderee or surrenderees of the lease accompanied by such a statement as aforesaid and proof of such neglect or refusal, shall enter in the Register Book notice of such statement and of the neglect or refusal; and that entry shall operate as a surrender of such lease discharged from the mortgage or several mortgages aforesaid, but without prejudice to any action

or cause of action which previously has been commenced or has accrued in respect of any breach or nonobservance of any covenant expressed in the lease or by law declared to be implied in the lease.

108. Lease may be surrendered by endorsement.

(1) A lease under this Act may be surrendered and determined, as well by operation of law or under any Act now or hereafter to be in force relating to bankrupts and their estates, as by the word "Surrendered" with the date being endorsed upon the lease or on the duplicate of the lease, if any, and signed by the lessee or his or her transferee and by the lessor or his or her transferee and attested by a witness.

(2) The registrar shall enter in the Register Book a memorandum recording the date of such surrender, and shall likewise endorse upon the duplicate, if any, a memorandum recording the fact of the entry having been made.

(3) Upon such entry in the Register Book the estate and interest of the lessee or his or her transferee shall vest in the lessor or in the proprietor for the time being of the reversion and inheritance in the land immediately expectant on the term; and production of such lease or duplicate, if any, bearing the endorsement and memorandum shall be sufficient evidence that the lease has been legally surrendered.

(4) Notwithstanding any other provision of this section, no lease subject to a mortgage shall be surrendered under this section without the consent in writing of the proprietor of that lease.

109. Lessee may sublet.

The proprietor of any lease under this Act may, subject to any provisions in his or her lease affecting his or her right to do so, sublet for a term not less than three years by signing a sublease in the form in the Tenth Schedule to this Act; but no sublease of any land subject to a mortgage upon the lease of the land comprised in the sublease shall be valid or binding against the mortgagee of the lease unless he or she has consented in writing to the sublease previously to the sublease being registered.

110. Endorsement on sublease.

(1) The registrar shall endorse on the sublease a certificate of registration containing the date and a reference to the lands affected, and shall authenticate the certificate by signing his or her name to it; and such certificate shall be received in all courts as conclusive evidence that the sublease has been duly registered.

(2) Notwithstanding section 112, the registrar shall not register any lease or sublease by a proprietor of a sublease registered in accordance with this section.

111. Sublease to be kept in a separate register.

Notwithstanding section 48, a sublease shall not be bound up in the Register Book, but upon registration one original shall be lodged and retained in the office of titles; and a book to be called the "Sublease Register" shall be kept in the office, in which entry shall be made of the date, parties, term and distinguishing memorial number or symbol of the sublease; and the book shall be open to inspection by the public during the hours and days of business on payment of the prescribed fee.

112. Provisions as to leases to apply to subleases.

(1) The provisions of this Act affecting leases, lessors and lessees shall apply to subleases, sublessors and sublessees with such modifications and exceptions as the difference between a lease and sublease, and in the mode of registration of each require; and the entries of recovery of possession and of surrender provided for by sections 106 and 108 shall, in the case of a sublease, be made on the sublease and on the lease, and not in the Register Book; and the memorandum directed by section 108 to be endorsed on the duplicate shall be written across the entry of such sublease in the Sublease Register; and in case of a surrender evidenced by a separate document, that document shall be annexed to the original sublease.

(2) If the lease is determined by forfeiture or operation of law or by surrender under any Act relating to bankrupts and their estates, that determination or surrender shall determine the sublease.

113. Covenants to be implied in sublease.

In addition to the covenants specified in section 102 to be implied in every lease, there shall be implied in every sublease the following covenant with the sublessee and his or her transferees by the sublessor binding the latter and his or her executors, administrators and transferees—

> that he or she or they will, during the term granted by the sublease, pay the rent reserved by and perform and observe the covenants and agreements contained in the original lease, and on his or her or their part to be paid, performed and observed.

114. Determination of lease or sublease by reentry to be entered in Register Book or Sublease Register.

In the case of a lease or sublease of land under this Act, if it is proved to the satisfaction of the registrar that the lessor or sublessor or his or her transferee has reentered upon the premises in strict conformity with the provisions for reentry contained in the lease or sublease, or under the power of section 103(b), where the lease or sublease is under this Act, or that the lessee or sublessee has abandoned the leased premises and the lease, and that the lessor or sublessor or his or her transferee has thereupon reentered upon and occupied the abandoned premises by himself or herself or tenants undisturbed by the lessee or sublessee, the registrar may make an entry of that reentry in the Register Book or in the Sublease Register, as the case may be, and the term for which the land was leased or subleased shall, upon that entry being made, determine and may be removed as an incumbrance from a certificate, but without prejudice to any action or cause of action which previously has been commenced or has accrued in respect of any breach or nonobservance of any covenant expressed in the lease or sublease or by law declared to be implied in the lease or sublease.

Mortgages.

115. Mortgages.

The proprietor of any land under the operation of this Act may mortgage that land by signing a mortgage of the land in the form in the Eleventh Schedule to this Act.

116. Mortgage not to operate as transfer.

A mortgage under this Act shall, when registered as hereinbefore provided, have effect as a security, but shall not operate as a transfer of the land thereby mortgaged; and in case default is made in payment of the principal sum or interest secured or any part thereof respectively, or in the performance or observance of any covenant expressed in any mortgage or hereby declared to be implied in a mortgage, and the default is continued for one month or for such other period of time as is for that purpose expressly fixed in the mortgage, the mortgagee or his or her transferees may serve on the mortgagor or his or her transferees notice in writing to pay the money owing on the mortgage or to perform and observe the aforesaid covenants, as the case may be.

117. Where money payable on demand, written demand equivalent to notice.

Where money secured by a mortgage under this Act is made payable on demand, a demand in writing pursuant to the mortgage shall be equivalent to the notice in writing to pay the money owing provided for by section 116; and no other notice shall be required to create the default in payment.

118. Covenants to be implied in every mortgage.

In every mortgage made under this Act there shall be implied covenants with the mortgagee and his or her transferees by the mortgagor binding the latter and his or her heirs, executors, administrators and transferees that he or she or they will pay the principal money mentioned in the mortgage on the day appointed in the mortgage, and will so long as the principal money or any part of it remains unpaid pay interest on it or on so much of it as for the time being remains unpaid at the rate and on the days and in the manner specified in the mortgage; also that he or she or they will repair and keep in repair all buildings or other improvements which have been or are erected or made upon the mortgaged land; and that the mortgagee and his or her transferees may at all reasonable times until the mortgage is redeemed enter into and upon that land with or without surveyors or others to view and inspect the state of repair of those buildings or improvements.

119. Mortgagee of leasehold entering into possession to become liable to lessor.

A mortgagee of land leased under this Act and his or her transferees after entering into possession of the land or the receipt of the rents and profits of the land shall, during that possession or receipt and to the extent of any benefit, rents and profits which are received, become and be subject and liable to the lessor of the land or his or her transferees or the person for the time being entitled to the reversion and inheritance expectant on the term of the lease for the payment of the rent reserved by the lease and for the performance and observance of the covenants contained in the lease, or by this Act or by law declared to be implied in the lease on the part of the lessee or his or her transferees.

120. Short form of covenant by mortgagor to insure.

(1) Whenever in any mortgage made under this Act the mortgagor employs the form of words contained in column one of the Thirteenth Schedule to this Act, the mortgage shall be taken to have the same effect and be construed as if he or she had inserted in it the form of words contained in column two of that Schedule; and every such form shall be deemed a covenant with the mortgagee and his or her transferees by the mortgagor binding the latter and his or her heirs, executors, administrators and transferees.

(2) There may be introduced into or annexed to the form in the first column of the Thirteenth Schedule any express exception from or express qualification thereof; and the like exception or qualification shall be taken to be made from or in the form in the second column.

121. Certain qualities of the legal estate annexed to a first mortgage.

(1) In addition to and concurrently with the rights and powers conferred on a first mortgagee and on a transferee of a first mortgage by this Act, every present and future first mortgagee for the time being of land under this Act, and every transferee of a first mortgage for the time being upon any such land, shall, until a discharge from the whole of the money secured or until a transfer upon a sale or an order for foreclosure, as the case may be, has been registered, have the same rights and remedies as he or she would have had or been entitled to if the legal estate in the land or term mortgaged had been actually vested in him or her with a right in the mortgagor of quiet enjoyment of the mortgaged land until default in payment of the principal and

interest money secured or some part thereof respectively, or until a breach in the performance or observance of some covenant expressed in the mortgage or by law declared to be implied in the mortgage.

(2) Nothing in this section shall affect or prejudice the rights or liabilities of any such mortgagee or transferee after an order for foreclosure has been entered in the Register Book; or shall, until the entry of such an order, render a first mortgagee of land leased under this Act or the transferee of his or her mortgage liable to or for the payment of the rent reserved by the lease or for the performance or observance of the covenants expressed or to be implied in the lease.

122. Mortgagor not to sue for the same cause of action without a written consent.

(1) A mortgagor or his or her transferee shall not, either before or after such default or breach as aforesaid, commence in his or her own name any action for or in respect of any cause of action for which a first mortgagee or his or her transferee may sue under section 121, without obtaining the previous consent in writing of the mortgagee or transferee or his or her agent to the commencement of that action, after giving which consent such mortgagee or transferee shall not be entitled to bring in his or her name any action in respect of the cause of action specified in the consent.

(2) If a mortgagor or his or her transferee brings any such action in his or her own name and the defendant proves the existence of a mortgage, the plaintiff shall not be nonsuited, nor shall there be a verdict against the plaintiff, if he or she proves in reply that the action was brought with the written consent of the mortgagee or of the transferee of his or her mortgage or his or her agent.

123. Application of monies obtained from actions by the mortgagor for damage to the land.

Any sum of money which becomes payable to the mortgagor or his or her transferee under any decree or order in any action by him or her in the High Court for or on account of any waste or damage of or to the land mortgaged shall be paid to the first mortgagee or his or her transferee in reduction or satisfaction of the money secured; and if he or she is not willing to receive the money or thereby is fully paid off, the money or the balance shall be paid to

any subsequent mortgagee or his or her transferee according to priority in like reduction or satisfaction; and if no mortgagee or his or her transferee is willing or is entitled to receive the money, then the money or the balance shall be paid to the mortgagor or his or her transferee for his or her own benefit.

124. Application of monies obtained from actions by the mortgagor generally.

Any mortgagee or his or her transferee may, either before or after judgment or execution obtained in any action brought by the mortgagor or his or her transferee, apply to the High Court for a summons in that action calling on the plaintiff and defendant or their advocates or agents to attend before the court and show cause why any sum beyond seven hundred and fifty shillings which has been or is recovered for damages in the action or which becomes payable on the settlement of the action should not be paid to such persons and for such purposes as are mentioned in section 123; and the High Court upon the hearing of the summons shall determine the matter thereof in a summary manner, and shall make such order therein as to costs and all other matters as appears to be just and reasonable.

125. Discharge of mortgages.

Upon the presentation for registration of a release from any registered mortgage or charge in the form set out in the Twelfth Schedule to this Act signed by the mortgagee or his or her transferees and attested by one witness and discharging wholly or in part the lands or any portion of the lands from the registered mortgage or charge, the registrar shall make an entry of the release upon the original and duplicate certificate of title and upon the original mortgage and duplicate, if any, and on the date of such registration as defined in section 46(3) the land affected by the release shall cease to be subject to the registered mortgage or charge to the extent stated in the release.

126. Mortgage money may be paid to any bank or credit institution if mortgagee absent from Uganda.

(1) In case a mortgagee or his or her transferee is absent from Uganda

and there is no person authorised to give a receipt for the mortgage money at or after the date appointed for payment of that money, the Secretary to the Treasury may receive the mortgage money with all arrears of interest due on it in trust for the mortgagee or other person entitled to it; and thereupon the interest upon that mortgage shall cease to run or accrue; and the registrar shall, upon production of the receipt of the Secretary to the Treasury for the amount of the mortgage money and interest, make an entry in the Register Book discharging the land from such mortgage, stating the time at which the entry was made; and that entry shall be a valid discharge from such mortgage; and the registrar shall make a corresponding entry on the duplicate certificate of title.

(2) The Secretary to the Treasury shall from time to time deposit all mortgage monies and interest which are received by him or her under this section, together with all interest which accrues on them, in any bank or credit institution for the benefit of the persons who are for the time being entitled to them; but nothing in this section shall render the Secretary to the Treasury in any manner liable for not so depositing the same respectively.

(3) The registrar shall address to the Secretary to the Treasury requisitions to pay to such persons the monies to which they are entitled hereunder; and the Secretary to the Treasury shall pay the monies accordingly.

127. First mortgagee to produce title for registration of subsequent instrument.

When any instrument subsequent to a first mortgage is made by the proprietor of any land, and the proprietor or the person entitled to the benefit of the subsequent instrument desires the registration of the subsequent instrument, the first mortgagee, if he or she holds the duplicate certificate of title which comprises the land in the subsequent instrument shall upon being requested to do so by the proprietor of the land or the person entitled to the benefit of the subsequent instrument, but at the cost of the person making the request, produce the duplicate certificate of title to the registrar so that the subsequent instrument may be registered.

128. Title to land brought under this Act subject to mortgage to be held good in favour of mortgagee, etc. applying to bring land under the Act after foreclosure or sale.

When any land has been brought under this Act subject to any mortgage, and the mortgagee or any person claiming under the mortgagee applies for a certificate of title to the land foreclosed or purchased, the mortgage shall be deemed to have conferred upon the mortgagee or the purchaser under the power of sale contained in the mortgage the right to be registered as proprietor of the same estate in the land as that for which the mortgagor was registered, and the only inquiry into title shall be as to the validity of the foreclosure or sale and of any subsequent transfers of title to the applicant, and no caveat which might have been or which was lodged against the original application shall be lodged or renewed in respect of the same estate or interest against the application of the mortgagee or any person claiming under the mortgagee.

129. Equitable mortgage.

(1) Notwithstanding anything in this Act, an equitable mortgage of land may be made by deposit by the registered proprietor of his or her certificate of title with intent to create a security thereon whether accompanied or not by a note or memorandum of deposit subject to the provisions hereinafter contained.

(2) Every equitable mortgage as aforesaid shall be deemed to create an interest in land.

(3) Every equitable mortgagee shall cause a caveat to be entered as provided for by section 139.

Miscellaneous.

130. Consent under the Land Transfer Act.

Notwithstanding anything in this Act, the registrar shall not register any instrument effectuating a transaction which, under the Land Transfer Act, requires the consent in writing of the Minister unless that consent is endorsed on the instrument or otherwise evidenced.

131. Restriction on dealing with official estates.

Notwithstanding anything in this Act, the registrar shall not register any instrument purporting to deal with an official estate or any part of an official estate unless the consent of the proper authority and of the commissioner of lands and surveys is endorsed on the instrument or otherwise evidenced in writing.

132. Seal of corporation substituted for signature.

(1) A corporation, for the purpose of transferring or otherwise dealing with any land under the operation of this Act, or any lease or mortgage, may, in lieu of signing the instrument for such purpose required, affix to the instrument its common seal.

(2) The seal of the attorney of any corporation whose chief or head office of business is out of Uganda, whether the attorney has been already constituted or hereafter is constituted by a power of attorney under a seal purporting to be the common seal of the corporation giving the power, shall be deemed to be the common seal of the corporation within the meaning and for the purposes of this section.

133. Implied covenants and powers may be modified or negatived.

Every covenant and power to be implied in any instrument by virtue of this Act may be negatived or modified by express declaration in the instrument or endorsed on it; and in the plaint in any action for a breach of any such covenant it shall be lawful to allege that the party against whom or against whose legal representatives the action is brought did so covenant, precisely in the same manner as if the covenant had been expressed in words at length in the instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect as if it had been set out at length in the instrument; and where in any instrument there shall be more covenantors than one, such covenants as are by this Act declared to be implied in instruments of the like nature shall be construed to be several, and not to bind the parties jointly.

134. Succession on death.

(1) Upon the receipt of an office copy of the probate of any will or of any letters of administration or of any order by which it appears that any person has been appointed the executor or administrator of any deceased

person, the registrar shall, on an application of the executor or administrator to be registered as proprietor in respect of any land, lease or mortgage therein described, enter in the Register Book and on the duplicate instrument, if any, when produced for any purpose, a memorandum notifying the appointment of the executor or administrator and the day of the death of the proprietor when the day can be ascertained, and upon that entry being made that executor or administrator shall become the transferee and be deemed to be the proprietor of such land, lease or mortgage, or of such part of it as then remains unadministered, and shall hold it subject to the equities upon which the deceased held it, but for the purpose of any dealings therewith the executor or administrator shall be deemed to be the absolute proprietor thereof.

(2) The title of every executor or administrator becoming a transferee under this section shall upon such entry being made relate back to and be deemed to have arisen upon the death of the proprietor of any land, lease or mortgage as if there had been no interval of time between such death and entry.

(3) If in any case probate or administration is granted to more persons than one, all of them for the time being shall join and concur in every instrument, surrender or discharge relating to the land, lease or mortgage.

(4) No fee in respect of the assurance of title under this Act shall be payable on the registration of such executor or administrator.

135. Sale under decree of execution.

(1) No decree of execution shall in itself bind, charge or affect any land, lease or mortgage; but the registrar on being served with a copy of any decree of execution issued out of any court, accompanied by a statement signed by any party interested or his or her advocate or agent, specifying the land, lease or mortgage sought to be affected by the decree shall, after marking upon the copy the time of the service, enter the decree in the Register Book; and after any land, lease or mortgage so specified has been sold under any such decree, the registrar shall, on receiving a transfer thereof in such one of the forms in the Fourteenth Schedule to this Act as the case requires (which transfer shall have the same effect as if made by the proprietor), register the transfer; and on such entry being made, the purchaser shall become the transferee and be deemed the proprietor of such land, lease

or mortgage; but until such service as aforesaid no sale or transfer under any such decree of execution shall be valid as against a purchaser for valuable consideration, notwithstanding that the decree was actually lodged for execution at the time of the purchase, and notwithstanding that the purchaser had actual or constructive notice of the lodgment of the decree.

(2) Upon production to the registrar of sufficient evidence of the satisfaction of any decree a copy of which has been served as aforesaid, he or she shall make an entry in the Register Book of a memorandum to that effect; and on such entry such decree shall be deemed to be satisfied.

(3) Every such decree shall cease to bind, charge or affect any land, lease or mortgage specified as aforesaid, unless a transfer upon a sale under the decree is lodged for entry upon the register within twelve months or such further period as the court may order from the day on which the copy was served.

(4) On a transfer from the proper officer of the court being presented for registration it shall not be registered nor deemed produced for registration within the meaning of section 46(2) unless previously and within twelve months or such further period as the court may have ordered preceding the transfer being so presented a copy of the decree in pursuance of which the transfer purports to have been made has been duly served upon the registrar for entry by him or her in the Register Book in accordance with this section.

136. Purchaser from registered proprietor not to be affected by notice.

Except in the case of fraud, no person contracting or dealing with or taking or proposing to take a transfer from the proprietor of any registered land, lease or mortgage shall be required or in any manner concerned to inquire or ascertain the circumstances in or the consideration for which that proprietor or any previous proprietor thereof was registered, or to see to the application of any purchase or consideration money, or shall be affected by notice actual or constructive of any trust or unregistered interest, any rule of law or equity to the contrary notwithstanding, and the knowledge that any such trust or unregistered interest is in existence shall not of itself be imputed as fraud.

137. Powers of lessees under other legislation not extended.

Nothing in this Act shall enable any lessee of land under any grant to transfer

or otherwise deal with that land contrary to the provisions of any written law affecting the grant.

138. Registration of unascertained portions of mailo, etc. land.

(1) In the case of land held under the Toro Agreement, 1900, or the Ankole Agreement, 1901, or of mailo land, the registrar may, at his or her discretion register a transfer of, or letters of administration relating to, an unascertained portion of that land in cases where a survey of the portion is likely to be delayed, but the registrar shall not issue a certificate of title in respect of any such portion until that portion has been surveyed.

(2) Where a transfer or letters of administration has or have been registered under subsection (1), the registrar shall register a certificate for the unascertained portion of land referred to in subsection (1), but the certificate shall not be issued until that portion has been surveyed.

PART VII—CAVEATS.

139. Caveat may be lodged and withdrawn.

(1) Any beneficiary or other person claiming any estate or interest in land under the operation of this Act or in any lease or mortgage under any unregistered instrument or by devolution in law or otherwise may lodge a caveat with the registrar in the form in the Fifteenth Schedule to this Act or as near to that as circumstances permit, forbidding the registration of any person as transferee or proprietor of and of any instrument affecting that estate or interest until after notice of the intended registration or dealing is given to the caveator, or unless the instrument is expressed to be subject to the claim of the caveator as is required in the caveat, or unless the caveator consents in writing to the registration.

(2) Every caveat under subsection (1) shall state the name and addition of the person by whom or on whose behalf the caveat is lodged, and, except in case of a caveat lodged by order of the High Court or by the registrar as hereafter provided, shall be signed by the caveator or by his or her agent.

(3) The person lodging such caveat shall, if required, support the caveat by an affidavit, stating the nature of the title under which the claim is

made, and may withdraw any such caveat.

(4) No such caveat shall be received unless some address or place in which a post office is situated is appointed in the caveat as the place at which notices and proceedings relating to the caveat may be served.

140. Notice of caveat to be given; lapse of caveat, etc.

(1) Upon the receipt of such caveat the registrar shall notify the receipt to the person against whose application to be registered as proprietor or, as the case may be, to the proprietor against whose title to deal with the estate or interest the caveat has been lodged; and that applicant or proprietor or any person claiming under any transfer or other instrument signed by the proprietor may, if he or she thinks fit, summon the caveator to attend before the court to show cause why the caveat should not be removed; and the court may, upon proof that the caveator has been summoned, make such order in the premises either ex parte or otherwise, and as to costs as to it seems fit.

(2) Except in the case of a caveat lodged by or on behalf of a beneficiary claiming under any will or settlement or by the registrar, every caveat lodged against a proprietor shall be deemed to have lapsed upon the expiration of sixty days after notice given to the caveator that the proprietor has applied for the removal of the caveat.

(3) A caveat shall not be renewed by or on behalf of the same person in respect of the same estate or interest, but if, before the expiration of the sixty days referred to in subsection (2) or such further period as is specified in any order made under this section, the caveator or his or her agent appears before the court and gives such undertaking or security, or lodges such sum in court as the court considers sufficient to indemnify every person against any damage that may be sustained by reason of any disposition of the property being delayed, then and in such case the court may direct the registrar to delay registering any dealing with the land, lease or mortgage for a further period to be specified in such order, or may make such other order, and in either case such order as to costs as is just.

141. No entry to be made in Register Book while caveat continues in force.

So long as any caveat remains in force prohibiting any registration or dealing,

the registrar shall not, except in accordance with some provision of the caveat, or with the consent in writing of the caveator, enter in the Register Book any change in the proprietorship of or any transfer or other instrument purporting to transfer or otherwise deal with or affect the estate or interest in respect to which that caveat is lodged.

142. Compensation for lodging caveat without reasonable cause.

Any person lodging any caveat with the registrar, either against bringing land under this Act or otherwise, without reasonable cause, shall be liable to make to any person who may have sustained damage by the lodging of the caveat such compensation as the High Court deems just and orders.

143. Memo of caveat to be entered in Register Book, etc.

A memorandum of every caveat lodged under section 139 shall be entered in the Register Book as under the date of the lodgment in the office of titles of that caveat, and a copy of the caveat or of so much of it as the registrar deems material to the person notified shall be sent with the notification required by section 140.

144. Caveat on behalf of a beneficiary under a will, etc. need not be removed to admit registration of certain dealings.

Where a caveat has been lodged by or on behalf of a beneficiary claiming under a will or settlement and a change in the proprietorship of or a transfer or other dealing with or affecting the land, estate or interest in respect of which the caveat was lodged is presented for registration, the same may, notwithstanding section 141, be registered without the caveat being withdrawn and without determining the operation of the caveat, provided the registrar is of opinion that such change of proprietorship or such transfer or other dealing is authorised by the will or settlement and the caveator either consents to the registration or does not lodge a written protest against the registration within fourteen days after being served with notice as such caveator.

145. Removal of caveat no longer affecting lands.

When a caveat has been withdrawn under section 139, or has lapsed under section 140, or has otherwise ceased to affect the lands or any interest in the

lands in respect of which it was originally lodged, the registrar shall cause the caveat to be removed from the Register Book and shall enter in the margin of the original entry of the caveat the date of that removal.

PART VIII—POWER OF ATTORNEY AND ATTESTATION OF INSTRUMENTS.

146. Power of attorney and revocation of the power of attorney.

(1) The proprietor of any land under the operation of this Act or of any lease or mortgage may appoint any person to act for him or her in transferring that land, lease or mortgage or otherwise dealing with it by signing a power of attorney in the form in the Sixteenth Schedule to this Act.

(2) Every such power of attorney shall be registered in accordance with the Registration of Documents Act, and if so registered within four months after the date thereof shall be presumed to be in force at the time of its registration unless a revocation of that power of attorney has been previously registered under that Act; but nothing in this subsection shall diminish the force and effect of any power of attorney if registered after the expiration of that period of four months.

(3) After the registration of any revocation of the power, the registrar shall not give effect to any transfer or other instrument signed pursuant to the power.

(4) A power of attorney in the form in the Sixteenth Schedule to this Act or to the like effect given by a person before as well as after becoming a proprietor of any land or of any lease or mortgage shall be deemed to be within the meaning of this section.

147. Attestation of instruments and powers of attorney.

(1) Instruments and powers of attorney under this Act signed by any person and attested by one witness shall be held to be duly executed, and that witness may be—

(a) within the limits of Uganda—

(i) any officer in the service of the Government of Uganda or of Kenya;

(ii) a justice of the peace;

(iii) an advocate;

(iv) a notary public;
(v) a bank manager;
(vi) a minister of religion authorised to celebrate marriages within Uganda;
(vii) a medical practitioner;
(viii) any literate chief of the rank of a gombolola chief or a corresponding or higher rank; or
(ix) any other person authorised in that behalf by the Minister by statutory instrument; and

(b) without the limits of Uganda—
(i) either a notary public or else the mayor or other chief officer of any city or municipal corporation within the United Kingdom of Great Britain and Northern Ireland or the Republic of Ireland;
(ii) the officer administering the government of, or the judge of any court of record in, any Commonwealth country;
(iii) a foreign service officer or a diplomatic representative of any Commonwealth country at any foreign place;
(iv) a police magistrate, resident magistrate, stipendiary magistrate or special magistrate in any Commonwealth country;
(v) the manager or accountant of any branch of any bank incorporated under the law of the United Kingdom of Great Britain and Northern Ireland or the Republic of Ireland; and
(vi) any other person authorised in that behalf by the Minister.

(2) Such witness, whether within or without the limits of Uganda, may also be any other person, but in such case he or she shall appear before one of the officers or persons specified in subsection (1), who, after making due inquiries of the witness, shall endorse upon the instrument or power a certificate in the form in the Seventeenth Schedule to this Act; and that certificate shall be deemed sufficient proof of the due execution of that instrument or power.

(3) Where an instrument or power of attorney purports to be attested or a certificate purports to be signed as provided in this section, the registrar may take official notice of the signature and of the fact that the person attesting or signing possessed the requisite qualification.

(4) No fee shall be demanded or taken by any officer in the service

of the Government except a magistrate in the performance of the duties of a notary public, or by any chief for attesting within Uganda any instrument or power of attorney under this Act.

148. Signatures to be in Latin character.

No instrument or power of attorney shall be deemed to be duly executed unless either—

(a) the signature of each party to it is in Latin character; or

(b) a transliteration into Latin character of the signature of any party whose signature is not in Latin character and the name of any party who has affixed a mark instead of signing his or her name are added to the instrument or power of attorney by or in the presence of the attesting witness at the time of execution, and beneath the signature or mark there is inserted a certificate in the form in the Eighteenth Schedule to this Act.

PART IX—SURVEYS, PLANS AND BOUNDARIES.

149. Registrar may require survey of land.

On any application made or on any proposed subdivision of land under this Act, the registrar may require such surveys and plans to be made and lodged and such particulars of the boundaries and abuttals to be furnished at the cost of the applicant or registered proprietor as the registrar thinks fit.

150. Surveys to be authenticated.

On and after a date to be specified by the Minister by statutory instrument all surveys required by the registrar under this Act shall be made in accordance with the requirements of the commissioner of lands and surveys, and no plans shall be accepted by the registrar unless they have been authenticated by the signature of the commissioner of lands and surveys or someone authorised by him or her in writing.

151. Registrar may disregard minor errors.

In dealing with any applications involving the amendment of a certificate of

title or adjustment of boundaries, the registrar may disregard any difference in the dimensions of boundaries which does not exceed one in five hundred or any encroachment, excess or deficit which does not exceed 1 percent.

152. Proprietor subdividing to deposit plan if required.

(1) Any proprietor subdividing any land under the operation of this Act for the purpose of selling the land in allotments shall deposit with the registrar a plan of that land if so required.

(2) The plan referred to in subsection (1) shall exhibit distinctly delineated all roads, streets, passages, thoroughfares, squares or reserves appropriated or set apart for the use of the purchasers, and also all allotments into which the land is divided, marked with distinct numbers or symbols, and shall also show the area of each separate allotment, and, unless prepared by a Government surveyor, shall be declared to be accurate by a statutory declaration of the person preparing the plan, and, if required by the registrar, certified as accurate by a Government surveyor after verification by him or her at the proprietor's expense.

153. Number of allotment on plan of subdivision sufficient description for purposes of dealing.

After the subdivision of the land and the deposit of the plan under section 152, the numbers of the allotments marked upon the plan, together with a reference to the plan by its deposited number, may be used as sufficient description of the land for the purpose of dealings with any one or more of the allotments on the sale of an allotment according to the plan of subdivision, and on any subsequent dealings comprising the whole of one or more allotment or allotments.

154. Abuttals may be used in description of land in certificate.

(1) On an application to bring land under this Act, the land included in the certificate to be issued may at the discretion of the registrar, notwithstanding sections 15 and 37 and the Third Schedule to this Act, be described by its abuttals both in the body of the certificate and in the plan thereon, or in the plan only.

(2) Any abuttal so used under subsection (1) may be described by the

name by which it is commonly known and with or without the name of its reputed owner; and if the abuttal is upon or consists of land under this Act, the volume and folium of the certificate of title of the land constituting the abuttal or on which the abuttal stands shall be mentioned.

155. Objects which may constitute abuttals.

For the purpose of this Act, any of the following objects may be mentioned as an abuttal: any building, wall, sectional division of a party wall, fence, public or private street or road, lane or passage, land dedicated to or reserved for the public, Government reserve, block or plot of public land, surveyed land described in any certificate of title and any lake, river, creek or natural or artificial watercourse; and mention of an abuttal in any certificate of title shall not be deemed to give title to the abuttal or to be evidence of the title of any person who is referred to in the description as owner or occupant of the land upon which any abuttal stands, or of any land constituting an abuttal.

PART X—RECTIFICATION OF TITLES.

156. Proprietor may apply for amendment to make boundaries coincide with land occupied under title.

A proprietor may apply to have his or her certificate of title amended in any case in which the boundaries, area or position of the land described in it differ from the boundaries, area or position of the land actually and bona fide occupied by him or her and purporting to be so occupied under the title in respect of which the certificate of title was issued, or in any case in which the description in the certificate of title is erroneous or imperfect on the face of it.

157. Proprietor may apply to have other titles amended where inconsistent.

A proprietor may apply for the rectification of the original and duplicate certificate of title of any other proprietor or proprietors, in any case in which the land described in the applicant's certificate of title and actually and bona fide occupied by him or her comprises land which by reason of any error in a survey or other misdescription is included in the land described in any other certificate or certificates of title.

158. Form of application.

Any application to be made under section 157 shall be in the form set forth in the Nineteenth Schedule to this Act, and the attorney of any corporation registered as proprietor may apply on behalf of the corporation in the manner provided by section 9.

159. How application to be dealt with.

The registrar shall at the expense of the applicant publish notice of the application once at least in the Gazette and shall cause notice of the application to be served on any person he or she shall think fit, and to be posted in a conspicuous place outside the office of the district commissioner in whose area the land is situate and shall appoint a time not less than fourteen days from the first publication of the notice on or after the expiration of which the application may be granted unless a caveat is lodged forbidding the granting of the application.

160. Special notice to be given to other proprietors.

In any case in which the granting of an application to be made as aforesaid or of an application to bring land under this Act would affect land comprised in any other certificate of title or cause a certificate to issue which would be inconsistent with any other certificate of title, the registrar shall, in addition to any other notices, cause notice of the application to be served upon all persons appearing by the register to be the owners of an estate in fee simple in or lessees or mortgagees of the land which would be affected or the land comprised in the certificate of title as to which the inconsistency would arise accompanied by a plan showing accurately the extent to which the certificate of title thereof would be affected if the application was granted; and a copy of that notice and plan shall until the application has been finally dealt with be kept open for inspection at the office of titles.

161. Person objecting to application being granted may lodge caveat.

Any person claiming any estate or interest in the land in respect of which any such application is made as hereinbefore provided may before the granting of the application lodge a caveat with the registrar forbidding the granting of

the application; and every such caveat shall in all other respects be in the same form, shall be subject to the same provisions, and shall have the same effect with respect to the application against which it is lodged as an ordinary caveat against bringing land under the operation of this Act.

162. Application may be granted although other titles may be affected.

On any application under sections 156 or 157 or to bring land under this Act, the registrar may grant the application although the certificate to be issued or the rectification of the register to be made upon that application may affect land comprised in any other certificate of title if it appears that the land so affected has been included in such other certificate of title by reason of some error in survey or other misdescription unless the title to the land so affected has been theretofore determined in a contested proceeding under this Act or in any court of competent jurisdiction in which the right to the possession of that land was in question.

163. On granting application other title may be rectified.

Upon granting any such application the registrar shall rectify the register by making the requisite alteration in the original and duplicate of any other certificate of title accompanied by a statement made and signed by him or her in the Register Book of the circumstances in which the rectification has been made; and he or she shall make the necessary orders for the production of the duplicate certificate, and may detain the duplicate until the rectification of the duplicate is completed; and he or she may refuse to register any dealing with the land or any estate or interest in the land until the duplicate has been brought in for rectification.

164. Issue of amended or substituted certificate on rectification.

Upon rectifying the original and duplicate of any certificate of title as hereinbefore mentioned, the registrar may return the duplicate so amended, or if he or she thinks fit, may issue a new duplicate free of cost; and every substituted duplicate so issued shall bear the same numbers as that for which it is substituted with the word "substituted" prefixed to the volume and folium.

PART XI—SPECIAL POWERS OF THE HIGH COURT AND REGISTRAR.

165. Power to require explanation and production of documents.

The registrar may, by summons under his or her hand in the form in the Twentieth Schedule to this Act, require the proprietor or mortgagee or other person interested in any land under the operation of this Act, in respect of which any transfer, lease, mortgage or other dealing, or any discharge of any mortgage is proposed to be transacted or registered, to appear at a time and place to be appointed in the summons and give any explanation concerning such land or any document affecting the title to the land, and to produce any grant, final mailo certificate, certificate of title, will, mortgage or other instrument or document in his or her possession or within his or her control affecting the land or the title to the land; and the registrar is authorised to examine upon oath, which oath he or she is hereby empowered to administer, any such proprietor, mortgagee or other person as aforesaid; and if any such proprietor, mortgagee or other person refuses or neglects to attend the registrar for the purpose of being examined or to produce any such document or to allow it to be inspected or refuses or neglects to give any such explanation as aforesaid, and the information or document withheld appears to the registrar to be material, the registrar shall not be bound to proceed with the transaction.

166. Registrar to carry out order vesting trust estate.

(1) Whenever any person interested in land under the operation of this Act or any estate or interest in the land appears to the High Court to be a trustee of that land, estate or interest within the intent and meaning of any law for the time being in force relating to trust and trustees, and any vesting order is made in the premises by the High Court, the registrar, on being served with the order or an office copy of the order, shall enter in the Register Book and on the duplicate certificate of title and duplicate instrument, if any, the date of the order, the time of its production to him or her, and the name and addition of the person in whom the order purports to vest the land, estate or interest; and upon the date of that registration as defined in section 46(3), that person shall become the transferee and be deemed to be the proprietor of the land, estate or interest.

(2) Unless its registration is effected, the order shall have no effect or operation in transferring or otherwise vesting the land, estate or interest.

167. Power of registrar to make a vesting order in cases of completed

purchase.

If it is proved to the satisfaction of the registrar that land under this Act has been sold by the proprietor and the whole of the purchase money paid, and that the purchaser has or those claiming under the purchaser have entered and taken possession under the purchase, and that entry and possession have been acquiesced in by the vendor or his or her representatives, but that a transfer has never been executed by the vendor and cannot be obtained by reason that the vendor is dead or residing out of the jurisdiction or cannot be found, the registrar may make a vesting order in the premises and may include in the order a direction for the payment of such an additional fee in respect of assurance of title as he or she may think fit, and the registrar upon the payment of that additional fee, if any, shall effect the registration directed to be made by section 166 in the case of the vesting orders mentioned there, and the effecting or the omission to effect that registration shall be attended by the same results as declared by section 166 in respect of the vesting orders mentioned there.

168. Removal of incumbrances.

If it is proved to the satisfaction of the registrar that any incumbrance notified on any certificate of title has been fully satisfied, extinguished or otherwise determined and no longer affects the land, he or she may either endorse a memorandum to that effect on the certificate or permit any subsequent certificate of title of the same land to be issued free from that incumbrance.

169. Satisfaction of judgment may be entered before the expiration of period.

On proof to the registrar that any judgment of which a copy decree of execution has been entered under section 135 has been satisfied before the period for which the entry is operative has elapsed, the registrar may write the word “Satisfied” with his or her signature and the date of the signing upon or below the entry of the copy decree in the Register Book, and thereupon that writ shall cease to affect the land as to which the entry was made.

170. Powers of registrar.

The registrar may exercise and shall perform the following powers and duties—

(a) to lodge a caveat on behalf of the Government or on behalf of any person who is under disability of infancy, coverture, lunacy, unsoundness of mind or absence from Uganda, to prohibit the transfer or dealing with any land belonging or supposed to belong to any such person, and also to prohibit the dealing with any land in any case in which it appears that an error has been made by misdescription of the land or otherwise in any registered certificate of title or in any instrument, or for the prevention of any fraud or improper dealing;

(b) at his or her discretion, notwithstanding the nonpayment of any prescribed fees, to effect any registration on behalf of or issue a certificate of title to an African of Uganda. Such unpaid fees shall, until recovered, be a first charge in favour of the Government upon the land comprised in the relevant certificate of title and that charge shall thereupon be entered in the folium of the Register Book constituted by the certificate of title. Any such unpaid fees may be sued for and recovered by the registrar or any officer of the Government or of the administration of a district appointed by the registrar in that behalf in any court of competent jurisdiction or summarily as a civil debt. Where the registrar appoints an officer of the administration of a district as aforesaid, the amount due may be recovered by that officer in the name of the registrar in a court constituted under the Magistrates Courts Act, notwithstanding any provisions to the contrary in any other law; and

(c) where it appears to him or her that a caveator claims an interest in an unascertained portion of land within the meaning of section 138(1) and that survey of that portion is not likely to be delayed, to serve notice on the caveator requiring him or her to arrange for the survey of the portion he or she claims; and if the caveator neglects or fails to have the survey of that portion completed within a period of six months from the date of service of the notice or such further period not exceeding three months as the registrar may in his or her discretion allow, his or her caveat shall lapse on the expiration of that period or extended period, and the registrar shall remove the caveat from the Register Book.

171. Fees.

The fees specified in the Twenty-second Schedule to this Act or such other

fees as hereafter from time to time may be prescribed by the Minister in lieu of or in addition to those fees shall be payable; except that the commissioner of lands and surveys may reduce or remit, whether prospectively or retrospectively, any of the fees.

172. Additional fees for assurance of title in certain cases.

Upon granting an application made under this Act for the exercise by the registrar of any of the powers conferred on him or her by sections 114 and 168, or for the waiver of any requisition made in connection with a proposed dealing under this Act, the registrar may grant such application conditionally upon the applicant paying as an additional fee in respect of assurance of title such a sum of money as the registrar considers to be a sufficient indemnity by reason of the nonproduction of any document affecting the title or of inability to obtain a consent, serve a notice or comply with any other requisition made in the case, or by reason of the imperfect nature of the evidence of title or as against any uncertain or doubtful claim or demand incident to or which may arise upon the title or any risk to which the Government may be exposed by the granting of the application.

173. Rejection of defective instrument or document.

Whenever any instrument, caveat, surrender, discharge of incumbrance, decree of execution, or other document lodged for registration or in relation to any land, title, estate or interest, or in connection with any application or dealing is erroneous or defective, the registrar may require the correction and reexecution or correction only, as the case requires, of the document to be made or procured by the person lodging it; and if, after notice in writing of the error or defect, he or she fails to procure the document to be amended if it is an instrument or an application to bring land under this Act within a period of three months, or if it is any other document within a period of twenty-one days from the date of notice, the registrar may, if he or she thinks fit, reject the document, and notify that rejection to the person lodging the document, and thereupon half the fees paid on the lodging of the document shall be forfeited and paid into the Consolidated Fund, and the other half may be returned to the person lodging the document on his or her withdrawing it.

174. Power to state a case for the High Court.

The registrar may, whenever any question arises with regard to the

performance of any duty or the exercise of any of the functions conferred or imposed on him or her by this Act, state a case for the opinion of the High Court; and thereupon the court may give its judgment on the case, and that judgment shall be binding upon the registrar.

PART XII—ACTIONS AND OTHER REMEDIES.

175. Officers not to be liable for acts done bona fide.

Neither the registrar nor any person acting under his or her authority shall be liable to any action or proceeding for or in respect of any act or matter bona fide done or omitted to be done in the exercise or supposed exercise of any power or duty given or imposed by this Act.

176. Registered proprietor protected against ejectment except in certain cases.

No action of ejectment or other action for the recovery of any land shall lie or be sustained against the person registered as proprietor under this Act, except in any of the following cases—

(a) the case of a mortgagee as against a mortgagor in default;

(b) the case of a lessor as against a lessee in default;

(c) the case of a person deprived of any land by fraud as against the person registered as proprietor of that land through fraud or as vb against a person deriving otherwise than as a transferee bona fide for value from or through a person so registered through fraud;

(d) the case of a person deprived of or claiming any land included in any certificate of title of other land by misdescription of the other land or of its boundaries as against the registered proprietor of that other land not being a transferee of the land bona fide for value;

(e) the case of a registered proprietor claiming under a certificate of title prior in date of registration under this Act in any case in which two or more certificates of title may be registered under this Act in respect of the same land,

and in any case other than as aforesaid the production of the registered certificate of title or lease shall be held in every court to be an absolute bar and estoppel to any such action against the person named in that document as the grantee, owner, proprietor or lessee of the land described in it, any rule of law or equity to the contrary notwithstanding.

177. Powers of High Court to direct cancellation of certificate or entry in certain cases.

Upon the recovery of any land, estate or interest by any proceeding from the person registered as proprietor thereof, the High Court may in any case in which the proceeding is not herein expressly barred, direct the registrar to cancel any certificate of title or instrument, or any entry or memorial in the Register Book relating to that land, estate or interest, and to substitute such certificate of title or entry as the circumstances of the case require; and the registrar shall give effect to that order.

178. Compensation of party deprived of land.

Any person deprived of land or of any estate or interest in land in consequence of fraud or through the bringing of the land under the operation of this Act or by the registration of any other person as proprietor of the land, estate or interest or in consequence of any error or misdescription in any registered certificate of title or in any entry or memorial in the Register Book may bring and prosecute an action for the recovery of damages against the person upon whose application the land was brought under the operation of this Act, or the erroneous registration was made, or who acquired title to the estate or interest through the fraud, error or misdescription; but—

(a) except in the case of fraud or of error occasioned by any omission, misrepresentation or misdescription in the application of the person to bring such land under the operation of this Act or to be registered as proprietor of the land, estate or interest or in any instrument signed by him or her, that person shall upon a transfer of the land bona fide for value cease to be liable for the payment of any damage which but for the transfer might have been recovered from him or her under the provisions herein contained; and in the last-mentioned case, and also in case the person against whom the action for damages is directed to be brought as aforesaid is dead or has been adjudged bankrupt or cannot be found within the jurisdiction of the High Court, then and in any such case such damages with costs of action may be recovered from the Government; and

(b) in estimating the damages the value of all buildings and other improvements erected or made subsequently to the deprivation shall be excluded.

179. Monies paid by the Government may be recovered.

Whenever any amount has been paid by the Government on account of any person who is dead, that amount may be recovered by the Government from the estate of that person; and whenever such amount has been paid on account of a person who has been adjudged bankrupt, the amount so paid shall be considered to be a debt due from the estate of the bankrupt, and a certificate signed by the Secretary to the Treasury certifying the fact of the payment by the Government and delivered to the official receiver shall be sufficient proof of the debt; and whenever any amount has been paid by the Government on account of any person who has absconded or who cannot be found within the jurisdiction of the High Court and has left any real or personal estate within Uganda, the High Court may, upon the application of the registrar and upon the production of a certificate signed by the Secretary to the Treasury certifying that the amount has been paid by the Government, give judgment for the registrar against that person forthwith for the amount so paid together with the costs of the application, and execution may issue immediately; and if that person has not left real or personal estate within Uganda sufficient to satisfy the amount for which execution has been issued as aforesaid, the Government may recover that amount or the unrecovered balance of it from the person at any time thereafter.

180. Government not liable in certain cases.

The Government shall not in any circumstances be liable for compensation for any loss, damage or deprivation occasioned by the breach by a proprietor of any trust, whether express, implied or constructive; nor in any case in which the same land has been included in two or more grants or final mailo certificates; nor in any case in which the loss or deprivation has been occasioned by any land being included in the same certificate of title with other land through misdescription of boundaries or parcels of any land unless in the case last aforesaid it is proved that the person liable for compensation and damages is dead or has absconded or has been adjudged bankrupt or is unable to pay the full amount awarded in any action for recovery of such compensation and damages; but—

(a) any amount paid by the Government on account of any person who has absconded may be recovered from that person at any time thereafter; and

(b) the Government shall be liable for such amounts only as cannot

be recovered from the person liable as aforesaid.

181. Purchasers protected.

Nothing in this Act shall be so interpreted as to leave subject to an action of ejectment or to an action for recovery of damages as aforesaid or for deprivation of the estate or interest in respect to which he or she is registered as proprietor any purchaser bona fide for valuable consideration of land under the operation of this Act, on the ground that the proprietor through or under whom he or she claims was registered as proprietor through fraud or error or has derived from or through a person registered as proprietor through fraud or error; and this applies whether the fraud or error consists in wrong description of the boundaries or of the parcels of any land or otherwise howsoever.

182. Proprietor, etc. may summon registrar to show cause if dissatisfied.

(1) If upon the application of any owner or proprietor to have land brought under the operation of this Act, or to have any dealing registered or recorded, or to have any certificate of title or other document issued, or to have any act or duty done or performed which by this Act is required to be done or performed by the registrar, the registrar refuses so to do, or if the owner or proprietor is dissatisfied with any decision of the registrar upon his or her application, the owner or proprietor may require the registrar to set forth in writing under his or her hand the grounds of his or her refusal or decision, and the owner or proprietor may, if he or she thinks fit, at his or her own cost summon the registrar to appear before the High Court to substantiate and uphold those grounds.

(2) The summons under subsection (1) shall be served upon the registrar six clear days at least before the day appointed for hearing the complaint of the owner or proprietor.

(3) Upon such hearing the registrar shall have the right of reply; and the High Court may, if any question of fact is involved, direct an issue to be tried to decide the fact; and thereafter the High Court shall make such order in the premises as the circumstances of the case require, and such order as to payment of costs and fees as to it shall seem fit; and the registrar shall obey

that order.

183. Actions for recovery of damages may be brought against the Government.

Any person sustaining loss through any omission, mistake or misfeasance of the registrar or any other officer or clerk in the execution of their respective duties under this Act or by any error, omission or misdescription in any certificate of title or any entry or memorial in the Register Book or by the registration of any other person as proprietor, and who is barred by this Act from bringing an action of ejectment or other action for the recovery of the land, estate or interest, may, in any case in which the remedy by action for recovery of damages as herein provided is inapplicable, bring an action against the Government for recovery of damages; in estimating those damages, however, the value of all buildings and other improvements erected or made subsequently to the loss or deprivation shall be excluded.

184. Persons sustaining loss by inaccuracy in Government survey may recover damages.

Any person sustaining any loss or damage by any rectification of a certificate of title under this Act or by the bringing of land under this Act, if the rectification or issue by which the loss or damage was occasioned was in consequence of or justified by any inaccuracy in any survey or plan or description of land used upon any sale of land by the Government or by the Uganda Land Commission or a district land board, then notwithstanding sections 178 and 183, but without prejudice to the rights, if any, of that person under those sections, may in the first instance and without any obligation to pursue the remedies provided by those sections, bring an action against the Government for recovery of damages.

185. Persons sustaining loss may recover damages.

(1) Any person who has sustained or hereafter sustains any loss or damage in or by the exercise or supposed exercise by the registrar of any of the powers or duties conferred or imposed on him or her by this Act, and who has not been party or privy to the application or dealing in connection with which the power was exercised, may, notwithstanding sections 178 and 183, and without prejudice to the rights, if any, of that person under those sections

in the first instance and without any obligation to pursue the remedies provided by those sections, bring an action against the Government for recovery of damages.

(2) Where the person referred to in subsection (1) has been party or privy to the application or dealing referred to in that subsection, he or she shall be at liberty to join the Government as codefendant in any action brought by him or her in respect of such loss or damage against any other person or persons who has or have been party or privy to that application or dealing.

186. Person claiming may before action brought apply to registrar for compensation.

(1) Any person sustaining loss or damage in any case in which he or she is entitled to bring an action to recover damages against the Government may before commencing proceedings make application in writing to the registrar for compensation, and that application shall be supported by affidavit.

(2) If the registrar admits the claim or any part of it and certifies accordingly to the Attorney General, the Minister may thereupon, if he or she thinks fit, authorise payment by the Secretary to the Treasury of the amount so certified.

187. Limitation of actions.

(1) No action for recovery of damages sustained through deprivation of land or of any estate or interest in land shall lie or be sustained against the Government or against the person upon whose application that land was brought under the operation of this Act or against the person who applied to be registered as proprietor in respect to the land, unless the action is commenced within six years from the date of the deprivation; except that any person being under the disability of coverture (except in the case of a married woman entitled to bring the action), infancy, lunacy or unsoundness of mind, may bring the action within six years from the date on which the disability has ceased, so, however, that the action is brought within thirty years next after the date of the deprivation.

(2) The plaintiff in any such action at whatever time it is brought, and

the plaintiff in any action for the recovery of land, shall have judgment entered against him or her in any case in which the deprivation complained of has been occasioned through the bringing of land under the operation of this Act if it is made to appear to the satisfaction of the High Court on the trial of the action that the plaintiff or the persons through or under whom he or she claims title had notice by personal service or otherwise or was aware that application had been made to bring the land under the operation of this Act, and had wilfully or collusively or negligently omitted to lodge a caveat forbidding that or had allowed the caveat to lapse.

188. Ordinary rules of procedure and rights of appeal to apply.

Subject to section 189 and to any rules which may be made by the Chief Justice under any of the powers conferred on him or her, the same rules of procedure and practice shall apply in proceedings before any court under this Act as are in force for the time being in respect of ordinary proceedings before that court; and there shall be the same rights of appeal in respect of proceedings under this Act as exist for the time being in respect of ordinary proceedings.

189. High Court may refer questions to other courts.

In any proceedings under this Act before the High Court, the court may refer any question to any court subordinate to itself, and the court to which any question is referred shall try the question and return its finding on the question the High Court, and that finding shall become part of the record in the proceedings before the High Court.

PART XIII—OFFENCES AND PENALTIES.

190. Certain fraudulent acts to be offences.

(1) If any person wilfully makes any false statement or declaration in any application to bring land under the operation of this Act or in any application under Part V of this Act or in any other application to be registered under this Act as proprietor of any land, lease or mortgage, or suppresses or conceals or assists or joins in or is privy to the suppressing, withholding or concealing from the registrar of any material document, fact or matter of information, or wilfully makes any false affidavit or signs any false certificate required under the authority or made or signed in pursuance

of this Act, or if any person in the course of his or her examination before the registrar wilfully and corruptly gives false evidence, or if any person fraudulently procures, assists in fraudulently procuring or is privy to the fraudulent procurement of any certificate of title or instrument or of any entry in the Register Book or of any erasure or alteration in any entry in the Register Book, or knowingly misleads or deceives any person hereinbefore authorised to require explanation or information in respect to any land or the title to any land under the operation of this Act in respect to which any dealing is proposed to be registered, that person commits an offence and is liable on conviction to imprisonment for a period not exceeding three years or to a fine or to both such imprisonment and fine; and any certificate of title, entry, erasure or alteration so procured or made by fraud shall be void as against all parties or privies to the fraud.

(2) Nothing in this section shall affect any remedy to which any person aggrieved or injured by any act is entitled against the person who has committed the act or against his or her estate.

PART XIV—MISCELLANEOUS.

191. Change of address.

Any person whose address appears in the Register Book shall notify the registrar in writing of any change in his or her address, and upon receipt of the notification and upon payment of the prescribed fee the registrar shall cause the change to be recorded on the certificate of title.

192. Registration of survivor of joint proprietors.

Upon the death of any person registered with any other person as joint proprietor of any land or of any lease or as joint proprietor of any mortgage owned on a joint account in equity, the registrar, on the application of the person entitled and proof to his or her satisfaction of the death, may register the applicant as the proprietor thereof; and the applicant shall, upon being registered in the manner herein prescribed for the registration of a like estate or interest, become the transferee of the land, lease or mortgage and be deemed its proprietor.

193. Proprietors and transferees to stand in the places of previous owners.

Without lessening or prejudicing any of the other rights, powers and remedies hereby given and conferred, every proprietor and every transferee when registered of any land, lease or mortgage shall while continuing so registered have the same estates, rights, powers and remedies and be subject to the same engagements, obligations and liabilities and may sue and be sued in his or her own name in respect thereof or thereupon, in like manner as if he or she had been the original proprietor of the land by or with whom the engagement, obligation or liability sued upon was entered into or incurred, or the original lessee or mortgagee.

194. Proprietor to allow his or her name to be used by person interested.

The proprietor of any land or of any lease or mortgage shall, on the application of any beneficiary or person interested in it, be bound to allow his or her name to be used by that beneficiary or person in any action or proceeding which it is necessary or proper to bring or institute in the name of the proprietor concerning the land, lease or mortgage or for the protection or benefit of the title vested in the proprietor or of the interest of any such beneficiary or person; but, nevertheless, the proprietor shall in any such case be entitled to be indemnified in like manner as if being a trustee he or she would before the passing of this Act have been entitled to be indemnified in a similar case of his or her name being used in any such action or proceeding by his or her *cestui que trust*.

195. Legal practitioners tendering documents to be practising advocates of Uganda.

Notwithstanding anything herein contained, where any application is made or document tendered for record or registration by any person purporting to act as a legal practitioner on behalf of a client, the registrar shall not entertain the application or accept the document unless that person is an advocate duly enrolled in the High Court and the holder of an unexpired certificate entitling him or her to practise in the courts of Uganda; but where the application is entertained or document accepted by the registrar in error, nothing in this section shall invalidate or nullify the effect of any action of the registrar taken upon that application or acceptance.

196. Registrar to give receipt for documents lodged.

On any documents being lodged with the registrar for any of the purposes of this Act, the registrar shall if required to do so give to the person lodging the documents an acknowledgment of the documents having been lodged; but—

(a) to obtain that acknowledgment the person lodging the documents shall fill in duplicate lists of the documents upon printed forms supplied by the office of titles, one of which signed by that person shall be retained by the office and the other bearing the signature of the officer receiving it shall constitute the acknowledgment so to be given; and

(b) documents so lodged shall be returned only to the person who lodged them or to some person claiming through or under him or her or authorised in writing by the person entitled to receive them.

197. Official receiver or trustee of bankrupt entitled to be registered.

Upon the bankruptcy of the proprietor of any land, lease or mortgage, or upon any bankrupt before obtaining his or her discharge becoming proprietor of any land, lease or mortgage, the official receiver or trustee shall be entitled to be registered as proprietor in respect of that land, lease or mortgage; and the registrar, upon the receipt of an office copy of the appointment of the official receiver or trustee accompanied by an application in writing under his or her hand to be so registered in respect of any land, lease or mortgage of the bankrupt therein described, or of any estate or interest to which he or she was before the adjudication or after adjudication, and before obtaining his or her discharge, entitled or able to transfer or dispose of under any power of appointment or disposition which he or she might legally execute for his or her own benefit, shall enter in the Register Book upon the folium constituted by the certificate of title of the land or on the lease or mortgage a memorandum notifying the appointment of the official receiver or trustee; and upon that entry being made the official receiver or trustee shall become the transferee and be deemed to be the proprietor of the land, lease or mortgage, estate or interest, and shall hold it subject to the equities upon and subject to which the bankrupt held it, but for the purpose of any dealing with it under this Act the official receiver or trustee shall be deemed to be the absolute proprietor thereof.

198. Until official receiver or trustee registered, bankruptcy of

proprietor not to affect dealings.

Until the application is made under section 197 and subject to the operation of any caveat which is lodged by the official receiver or trustee, dealings by a bankrupt proprietor with land under the operation of this Act may be registered, and thereupon shall not be affected by the adjudication.

199. Conditions of sale in Twenty-first Schedule may be adopted by reference.

On any sale of land under the operation of this Act by public auction or private contract, the conditions set out in the table marked "A" in the Twenty-first Schedule to this Act may be adopted by inserting the words "The conditions in Table A of the Registration of Titles Act shall apply to this contract", and when so adopted those conditions shall be construed as part of the contract subject to any express modification or exclusion of any of them which may be contained in the contract.

200. Forms may be modified.

(1) The forms contained in the several Schedules may be modified or altered in expression to suit the circumstances of every case; and any variation from those forms respectively in any respect not being matter of substance shall not affect their validity or regularity.

(2) The registrar may in his or her discretion permit the use of a vernacular translation of any of the forms mentioned in subsection (1).

201. Searches and certified copies.

(1) Any person may, on payment of the fee for the time being payable in that behalf, inspect the Register Book during the hours and upon the days of business.

(2) The registrar, on payment of the fee for the time being payable for a certified copy, shall furnish to any person applying for it a certified copy of any certificate of title, caveat or registered instrument affecting land under the operation of this Act; and every such certified copy signed by the registrar and authenticated by the seal of the office of titles shall be received in evidence in any court or before any person having by law or by consent of the

parties authority to receive evidence as prima facie proof of the original certificate of title, caveat or instrument and of all the matters contained or recited in or endorsed thereon respectively.

202. Service of notices.

(1) Any notice under this Act may be served or given by letter posted to the person concerned at his or her address for service or, if he or she has no address for service within the meaning of this section, at his or her last known place of abode.

(2) Any address of a person as entered in the Register Book may be used as his or her address for service.

(3) The address appointed in a caveat as the place at which notices relating to the caveat may be served shall be the address for service of the caveator.

(4) The registrar shall cause a copy of each notice sent by him or her to be filed with a memorandum that it was so sent, and the memorandum shall be sufficient proof that the notice was duly sent.

(5) The registrar shall on request in writing by a caveator amend or alter the address appointed in the caveat at which notices may be served.

(6) When a notice is sent by letter posted to any person at his or her address for service and the letter is returned by the post office, the registrar may if in the circumstances and having regard to the provisions of this Act he or she thinks fit—

(a) direct any further notice to be given;
(b) direct substituted service; or
(c) proceed without notice.

203. Rules.

The Minister may make rules generally for carrying out the purposes and provisions of this Act, and the rules may include the prescription of fees either in lieu of or in addition to those prescribed in the Twenty-second Schedule to this Act and the fees to be charged by sworn valuers.

SCHEDULES

First Schedule.

ss. 9, 14.

Forms for bringing land under the operation of the Act.

Form I.
Application to Bring Land under the Operation of the Registration of Titles Act.

To the Registrar of Titles.

I, _____ *(insert name and addition)*, apply to have the land hereafter described brought under the operation of the Registration of Titles Act, and I declare—

1. That I am the owner of an estate in fee simple in possession *(or otherwise as the case may require)* in all that piece of land being _____ which land contains _____ *(insert area)* or thereabouts and is described in the document numbered _____ in the Schedule to this document *(or otherwise after the word "thereabouts" set forth a sufficient description to identify the land).*

2. That the value of that land, including all buildings and other improvements on it, does not exceed shs. _____.

3. That there are no documents or evidences of title affecting the land in my possession or under my control other than those included in the Schedule to this document.

4. That I am not aware of any mortgage or incumbrance affecting that land or that any other person has any estate or interest in the land in possession, remainder, reversion or expectancy *(if there are any, add "other than as follows" and set them out).*

5. That the land is _____ occupied _____
_____
(if unoccupied, prefix "un" to "occupied"; if occupied add by whom and state the name and addition of the occupant and the nature of his or her occupancy).

6. That the names and addresses so far as known to me of the occupants of all lands contiguous to the land are as follows—

_____

_____

7. That the names and addresses so far as known to me of the owners of all lands contiguous to the land are as follows—

_____

_____

(If the certificate of title is not to issue to the applicant, add "And I request the certificate of title to be issued in the name of" [insert name and addition].)

Dated this _____ day of _____, 20 ____.

Made and subscribed at _____ in the presence of _____.

Schedule of documents referred to.

_____

Form II.
Notice.

Application has been made to bring the land described in this notice under the Registration of Titles Act, on a title claimed by possession *(insert, if applicable, "as to part").*

The number of the application is _____
Date of lodging in the office of titles _____
Name, address and occupation of applicant _____
_____
_____

Land applied for *(Here insert description, the same as in advertisement)*
_____
_____

Dated this _____ day of _____, 20 ___.

_____
Signature of Applicant or his or her Agent

Second Schedule.

s. 29.

Application to Bring under the Operation of the Registration of the Titles Act Land Registered under the Registration of Land, Titles Ordinance, 1908.

To the Registrar of Titles.

I, _____ (*insert name and addition*), apply to have the land hereafter described brought under the operation of the Registration of Titles Act, and I declare—

1. That I am the person inscribed in the land register kept pursuant to the Registration of Land Titles Ordinance, 1908, as owner of all that piece of land being _____ which land contains _____ *(insert area)* or thereabouts and is described in _____ *(insert "Public Lands" or "Mailo" as the case may be)* Register Vol. _____ Fol. _____.

2. That I am not aware of any mortgage or incumbrance affecting the land or that any person has any estate or interest in the land in possession, remainder, reversion or expectancy *(if there are any, add "other than as follows" and set them out).*

3. That the land is _____ occupied *(if unoccupied prefix "un" to "occupied", if occupied add by whom and state the name and addition of the occupant and nature of his or her occupancy).*

Dated this _____ day of _____, 20 ____.

Made and subscribed at _____ in the presence of _____.

_____

Third Schedule.

ss. 15, 62, 154.

Forms.

Freehold	Register Book
Leasehold	
Mailo	Vol._____ Fol._____

Form 1.
Certificate of Title.

Description of Land.

All that piece of land *(or* mailo land) delineated and edged red on the plan hereto annexed containing the following area or thereabouts and situate as follows—

Area	County	District

and known as _____
(insert name of estate or plot no. if in town, etc.)

Ownership.

(insert name and addition)

is now the proprietor of an estate in fee simple *(if not in fee simple, state the nature of the estate and if the property is leasehold, say "of a leasehold estate for _____ years from the _____ day of _____")* in the land *(or* mailo land) above described subject to the incumbrances *(if leasehold, add covenants and conditions)* hereafter set out.

Dated this _____ day of _____, 20 ____.

SEAL OF OFFICE

Registrar of Titles

Incumbrances

Covenants and conditions (if any).

Form 2.

UGANDA
THE LAND REGISTER

District/Gombolola:

PART I—PROPERTY.

Name or description:

ALL THAT PIECE *(or an unascertained portion)* of _____ _____land situate and described above which is indicated on the registry plan by the block and plot numbers written hereon.

Easements, rights, etc. appurtenant to the land:

County or town	Plot no. *(or an unascertained portion of plot no.)*
Block no.	
Area in acres	

SEAL OF OFFICE

Proprietor's signature or mark

Registrar of Titles

PART II—OWNERSHIP.

Date of registration	Instrument no.	Proprietor's name and address	Father's name	Clan	Incumbrance	Price paid or value per acre	Registrar's signature

PART III—INCUMBRANCES.

Date of registration	Instrument no.	Name and address for service of mortgagee, creditor, caveator, etc.	Particulars of incumbrance or entry	Registrar's signature

Form 3.

UGANDA
THE LAND REGISTER

District/Gombolola:

PART I—PROPERTY.

Name or description:

County or town	Plot no.
Block no.	

Lessor's title:

Lessor's name and address:

Area: acres

Leasehold interest in all that piece of land situate and described above which is indicated on the registry plan by the block and plot numbers written hereon.

Term: years from

Premium:

Rent: per year

Easements, rights, etc. appurtenant to the land:

User:

Covenants and conditions contained in Instrument no.
_____
dated
_____

SEAL OF OFFICE

Registrar of Titles

PART II—OWNERSHIP.

Date of registration	Instrument no.	Proprietor's name	Postal address	Incumbrance	Registrar's signature	Proprietor's signature or mark

PART III—INCUMBRANCES.

Date of registration	Instrument no.	Name and address for service of mortgagee, creditor, caveator, etc.	Particulars of incumbrance or entry	Registrar's signature

Fourth Schedule.

s. 20.

Caveat Forbidding Land to be Brought under the Act.

To the Registrar of Titles.

Take notice that I, _____ *(insert name and addition),* claim _____ *(particularise the estate or interest claimed)* in the land described as _____ _____ *(copy description from the advertisement)* in the advertisement relating to the application of _____ *(state applicant's name and addition),* and I forbid the bringing of that land under the operation of the Registration of Titles Act.

I appoint _____ as the place at which notices and proceedings relating to this notice may be served.

Dated this _____ day of _____, 20 ____.

Signed in the presence of _____.

Fifth Schedule.

ss. 61, 99.

Creation of rights of carriage way.

Creation of Right of Carriage Way in a Transfer of Freehold Land.

Together with full and free right and liberty to and for the transferee hereunder and to and for the registered proprietor and proprietors for the time being of the land hereby transferred or any part of it, and his, her and their tenants, servants, agents, workers and visitors to go, pass and repass at all times hereafter and for all purposes, and either with or without horses or other animals, carts or other vehicles into and out of and from the land or any part of it, through, over and along the road or way, or several roads or ways delineated and coloured brown on the plan.

Creation of Right of Carriage Way in a Lease of Freehold Land.

Together with full and free right and liberty to and for the lessee and his or her transferees, proprietors for the time being of the land hereby leased or any part of it, and his, her and their tenants, servants, agents, workers and visitors to go, pass and repass at all times hereafter during the continuance of this lease, and for all purposes, and either with or without horses or other animals, carts or other vehicles, into and out of and from the land or any part of it, through, over and along the road or way or several roads or ways delineated and coloured brown on the plan.

Sixth Schedule.

s. 79.

Application for Vesting Order.

To the Registrar of Titles.

I, _____ *(insert name and addition),* apply for a vesting order vesting in me all that piece of land being _____ *(describe land by reference to description in and volume and folio of existing grant, final mailo certificate or certificate of title)* which land is delineated and coloured red upon the plan numbered _____ in the Schedule to this application for an estate free from incumbrances *(other than any special reservation, exception or condition in the grant, final mailo certificate or certificate of title)*; and I declare—

1. [*Set forth particulars of the possession on which the claim is based—*
   (a) the date on and circumstances in which the possession commenced;
   (b) the name of the person by whom the possession was commenced;
   (c) the duration of his or her possession and the nature thereof; and
   (d) the subsequent history and nature of the possession up to the time of lodging the application.]

2. That there are no documents or evidences of title affecting such land in my possession or under my control other than those included in the Schedule to this application.

3. That there are no mortgages or incumbrances registered on the above-mentioned title except the following—*(Set out short particulars and state whether these mortgages or incumbrances have been extinguished or ceased to affect the land and, if so, how).*

4. That except as aforesaid I am not aware of any mortgage or incumbrance affecting the land or that any person other than myself has any estate or interest in the land *(if there are any add "except" and set them out).*

5. That the names and addresses so far as known to me of the occupiers of all lands contiguous to the land are as follows—

6. That the names and addresses so far as known to me of the owners of all lands contiguous to the land are as follows—

7. That the present value of the land, including all improvements on it, does not exceed shs. _____.

Dated this _____ day of _____, 20 ____.

Made and signed at _____
in the presence of _____.

Schedule of documents referred to.

_____

Seventh Schedule.

s. 92.

Transfer of land, mortgage or charge.

Freehold	Register
Leasehold	
Mailo	Vol. ____ Fol.____

Form 1.
Transfer of Land.

I, _____ *(insert name and addition of transferor),* being the registered proprietor of the lands comprised in the above-mentioned folio in consideration of the sum of shs. _____ paid to me by _____ (*insert name and addition of transferee*) on or before the execution of these presents the receipt of which I acknoweldge hereby transfer that land *(if the land leased is part only of the land comprised in the certificate of title, set forth the description and refer to a plan)* to _____ (*name* of transferee) to hold to the _____ (*name of transferee*) for all my estate and interest in the land.

Dated this _____ day of _____, 20 ____.

Signed by (transferor) _____
in the presence of _____.

Signed by (transferee) _____
in the presence of _____.

Freehold	Register
Leasehold	
Mailo	Vol.____ Fol. ____

Form 2.
Transfer of Mortgage or Charge.

I, _____ *(insert name and addition of transferor),* being registered as the owner of a mortgage/charge entered on the above folio being instrument no. _____ in consideration of the sum of shs. _____ paid to me by _____ (*insert name and addition of transferee)* the receipt of which I acknowledge hereby transfer to _____ (*name of transferee*) all my estate and interest in the mortgage/charge.

Dated this _____ day of _____, 20 ____.

Signed by (transferor) _____
in the presence of _____.

Signed by (transferee) _____
in the presence of _____.

Eighth Schedule.

s. 101.

Lease by Owner in Fee Simple.

Freehold	Register
Mailo	Vol. ____ Fol. ____

Lease by Owner in Fee Simple of All or Part of His or Her Land.

I, _____ *(insert name and addition*), (hereafter called the lessor) being registered as the proprietor of an estate in fee simple in the land *(or* mailo land*)* comprised in Freehold/Mailo Register Vol. _____ Fol. _____ hereby lease to _____ (*insert name and addition*) _____ (hereafter called the lessee) all that piece of land being the land/part of the land comprised in that folio *(if the land leased is part only of the land comprised in the certificate of title, set out the description and refer to a plan)* to hold to the lessee for the term of _____ years from the _____ day of _____, 20 ____, at the clear yearly rent of shs. _____ payable _____ *(here insert terms of payment)* subject to the covenants and powers implied under the Registration of Titles Act, (unless hereby negatived or modified) and also to the covenants and conditions hereafter contained *(here set out any special covenants and conditions).*

The following covenants by the lessee are to be construed according to section 104 of the Registration of Titles Act—

The lessee will not transfer or sublet.
The lessee will cultivate.
The lessee will not cut timber.
The lessee will paint outside every _____ year.
The lessee will paint inside every _____ year.
The lessee will not use the premises as a shop.
The lessee will not carry on any offensive trade.

Dated this _____ day of _____, 20 ____.

Signed by the lessor, _____,
in the presence of _____ .

Signed by the lessee, _____,
in the presence of _____ .

Ninth Schedule.

s. 104

Covenants in leases.

Column one	Column two
1. The lessee will not transfer or sublet.	The lessee, his or her executors, administrators or transferees will not during the term transfer, assign or sublet the premises leased or any part of the premises or otherwise by any act or deed procure the premises or any part of the premises to be transferred, assigned or sublet without the consent in writing of the lessor or his or her transferees first had and obtained.
2. The lessee will cultivate.	The lessee, his or her executors, administrators or transferees will at all times during the term cultivate, use and manage in a proper and husbandlike manner all such parts of the land as are now or shall hereafter with the consent in writing of the lessor or his or her transferees be broken up or converted into tillage, and will not impoverish or waste the land.
3. The lessee will not cut timber.	The lessee, his or her executors and administrators or transferees will not cut down, fell, injure or destroy any growing or living timber or timber-like trees standing and being upon the land without the consent in writing of the lessor or his or her transferees.
4. The lessee will paint outside every _____ year.	The lessee, his or her executors, administrators or transferees will in every _____ year during the continuance of the term paint the outside woodwork and ironwork belonging to the leased property now or usually painted with two coats of proper oil colours in a workmanlike manner and also whiten or colour such outside parts of the premises as are now whitened or coloured respectively.
5. The lessee will paint inside every _____ year.	The lessee, his or her executors, administrators or transferees will in every _____ year during the continuance of the term paint the inside wood, iron and other work now or usually painted with two coats of proper oil colours in a workmanlike manner, and also whiten or colour such inside parts of the premises as are now whitened or coloured respectively.
6. The lessee will not use the premises as a shop.	The lessee, his or her executors, administrators or transferees will not convert, use or occupy the premises or any part of the premises into or as a shop, warehouse or other place for carrying on any trade or business, or permit or suffer the premises or any part of the premises to be used for any such purpose or otherwise than as a private dwelling house without the consent in writing of the lessor or his or her transferees.

7. The lessee will not carry on any offensive trade.	The lessee, his or her executors, administrators or transferees will not at any time during the term use, exercise or carry on or permit or suffer to be used, exercised or carried on, in or upon the premises or any part of the premises any noxious, noisome or offensive art, trade, business, occupation or calling, and no act, matter or thing shall at any time during the term be done in or upon the premises or any part of the premsies which shall or may be or grow to the annoyance, nuisance, grievance, damage or disturbance of the occupiers or owners of the adjoining lands and properties.

Tenth Schedule.

s. 109.

Sublease.

Leasehold Register Vol. ____ Fol. ____.
Sublease

I, _____ (*insert name and addition*), (hereafter called the sublessor), being registered as the proprietor of a leasehold estate in the land comprised in Vol. _____ Fol. _____ of the Leasehold Register, hereby sublease to _____ (*insert name and addition*) (hereafter called the sublessee) all that piece of land being the land/part of the land comprised in that folio *(if only a part, set forth the description and refer to a plan)* to hold to the sublessee for the term of _____ *(insert term of sublease),* at the clear yearly rent of shs. _____ payable _____ (*insert terms of payment*) subject to the covenants and powers implied under the Registration of Titles Act, (unless hereby negatived or modified) and also to the covenants and conditions hereafter contained *(here set forth any special covenants and conditions).*

The following covenants by the sublessee are to be construed according to section 104 of the Registration of Titles Act— _____
_____
_____
(insert here such of the covenants given in the Ninth Schedule as may be agreed upon, substituting "sublessee" for "lessee" and "sublessor" for "lessor" and using the short forms given in column one of that Schedule).

Dated this _____ day of _____, 20 ____.

Signed by the sublessor, _____,
in the presence of _____ .

Signed by the sublessee, _____,
in the presence of _____ .

Eleventh Schedule.

s. 115.

Mortgage.

Freehold	Register
Leasehold	Vol. ____ Fol.____
Mailo	

Mortgage.

I, _____ (*insert name and addition*), being the registered proprietor of the land comprised in the above-mentioned folio in consideration of the sum of shs. _____ this day lent to me by _____, (*insert name and addition*) (hereafter called the mortgagee) covenant with the mortgagee.

First to pay to the mortgagee or his or her transferees the principal sum of shs. _____ on the _____ day of _____, 20 ____.

Secondly to pay to the mortgagee or his or her transferees so long as the principal sum or any part of it shall remain unpaid interest on the sum or on so much of it as shall for the time being remain unpaid at the rate of _____ percent per year by equal payments on the _____ day of _____ and on the _____ day of _____ in every year.

Thirdly that I will insure against fire in the name of the mortgagee.

Fourthly *(here set forth any special covenants).*

And for better securing the payment in the aforesaid manner of the principal sum and interest, I mortgage to the mortgagee all my estate and interest in the land.

Dated this _____ day of _____, 20 ____.

Signed by (mortgager) _____ in the presence of _____.

Signed by (mortgagee) _____ in the presence of _____.

Twelfth Schedule.

s. 125.

Release of Mortgage or Charge.

Register Book No. _____ Folio No. _____

I, _____ (*insert name and addition*), being registered in the above-mentioned folio as owner of a mortgage dated _____ and registered on *(date of registration)* [*or* being transferee of a mortgage dated _____ and registered on *(date of registration)*] in consideration of all monies *(or as the case may be)* due for principal and interest on the mortgage having been paid to me, the receipt of which I acknowledge, hereby release and discharge the registered proprietor and the lands (or portion, as the case may be) comprised in the folio from all claims under the mortgage.

Dated this _____ day of _____, 20 ____.

Signed by (mortgagee) _____
in the presence of _____.

Thirteenth Schedule.

s. 120.

Insurance covenant in mortgage.

Column one	Column two
That I will insure against fire in the name of the mortgagee.	That I, my heirs, executors, administrators or transferees will insure and so long as any money shall remain secured by this mortgage, keep insured against loss or damage by fire in the name of the mortgagee or his or her transferees in some public insurance office to be approved of by him or her or them, all buildings which shall for the time being be erected on the land, and shall be of a nature or kind capable of being so insured to the amount either of the principal money hereby secured or of the full value of those buildings, and will when required deposit with the mortgagee or his or her transferees the policy of such insurance, and within two months after each premium shall become payable the receipt of such premium. And that the monies which shall be received on account of such insurance shall at his or her or their option be applied either in or towards satisfaction of the monies secured by this mortgage or in rebuilding or reinstating under the superintendence of his or her or their surveyor the buildings destroyed or damaged. And that on any breach or nonobservance of this covenant he or she or they shall be at liberty to effect such insurance and continue it for such period as may be deemed fit, and the costs and expenses paid on account of it shall be a charge upon the land, and bear interest at the same rate as if principal money overdue.

Fourteenth Schedule.

s. 135.

Forms of transfers.

Freehold Register
Leasehold Vol. ____ Fol. ____
Mailo

Form A.
Form of Transfer of Land Under a Decree of Execution.

I, _____ *(insert name)*, being the person appointed to execute the decree hereafter mentioned in pursuance of a decree of execution dated the _____ day of _____, 20 ____, issued out of _____ court in an action in which _____ is the plaintiff and _____ the defendant, which defendant is the registered proprietor of the land comprised in the folio and to effectuate the sale made under the decree do in consideration of the sum of shs. _____ paid to me by _____ (*insert name and addition*) transfer to _____, (*insert name*) all the estate and interest of the defendant in the land.

Dated this _____ day of _____, 20 ____.

Signed by (executor of decree) _____,
in the presence of _____ .

Signed by (transferee) _____,
in the presence of _____ .

Freehold Register
Leasehold
Mailo Vol. ____ Fol.____

Form B.

Form of Transfer of Lease or Mortgage Under a Decree of Execution.

I, _____ *(insert name)*, being the person appointed to execute the decree hereafter mentioned in pursuance of a decree of execution dated the _____ day of _____, 20 ____, issued out of _____ court in an action in which _____ is the plaintiff and _____ the defendant which defendant is registered as the proprietor of a lease *(or mortgage, as the case may be)* numbered _____ of _____ the land comprised hereby in the above folio and to effectuate the sale made under the decree do hereby in consideration of the sum of shs. _____ paid to me by _____ (*insert name and addition*) transfer to _____ (*insert name*) all the estate and interest of _____ as the registered proprietor in the land.

Dated this _____ day of _____, 20 ____.

Signed by (executor of decree) _____,
in the presence of _____ .

Signed by (transferee) _____,
in the presence of _____ .

Freehold Register
Leasehold
Mailo Vol. ____ Fol. ____

Form C.

Form of Transfer of Land Under a Decree, Judgment or Order of Court.

I, _____ *(insert name),* in pursuance of a decree *(judgment or order, as the case may be)* of _____ court, dated the _____ day of _____, 20 ____, and entered in the above folio, hereby transfer to _____ (*insert name*) all the estate and interest of _____ (who is the registered proprietor of the land comprised in the folio).

Dated this _____ day of _____, 20 ____.

Signed by (transferor) _____,
in the presence of _____ .

Signed by (transferee) _____,
in the presence of _____ .

Freehold Register
Leasehold
Mailo Vol. ____ Fol. ____

Form D.

Form of Transfer of Lease or Mortgage Under Decree, Judgment or Order of Court.

I, _____ *(insert name),* in pursuance of a decree *(judgment or order, as the case may be)* of _____ court, dated the _____ day of _____, 20 ____, and entered in the above folio, transfer to _____ (*insert name*) all the estate and interest of _____ (who is the registered proprietor of a lease *or mortgage as the case may be*) numbered _____ of the land comprised in the folio.

Dated this _____ day of _____, 20 ____.

Signed by (transferor) _____,
in the presence of _____ .

Signed by (transferee) _____,
in the presence of _____ .

Fifteenth Schedule.

s. 139.

Caveat forbidding registration of change in proprietorship or dealing with estate or interest.

Freehold	Register
Leasehold	
Mailo	Vol. ____ Fol. ____

Caveat forbidding registration of any change in proprietorship or any dealing with estate or interest.

To the Registrar of Titles.

Take notice that I, _____ *(insert name and addition),* claim _____ *(specify the estate or interest claimed)* in the land/part of the land comprised in the above folio, and I forbid the registration of any person as transferee or proprietor of land of any instrument affecting the estate or interest until after notice of such registration given to me at the address hereafter mentioned or unless the instrument is expressed to be subject to my claim or unless I consent in writing thereto (*as the case may require*). I appoint _____ as the place at which notices and proceedings relating to this caveat may be served.

Dated this _____ day of _____, 20 ____.

Signed in the presence of _____.

Sixteenth Schedule.

s. 146

Power of Attorney.

I, _____ (*insert name and addition*), appoint _____ (*insert name and addition*) my attorney to sell to any person all or any lands, leases or mortgages whether now belonging to me or which shall hereafter belong to me under or by virtue of the Registration of Titles Act, or of which I am now or shall hereafter be the proprietor or owner under the Act, ALSO to mortgage all or any such lands or leases for any sum at any rate of interest, ALSO to lease all or any such lands as shall be of freehold tenure for any term of years not exceeding twenty-one years in possession at any rent, ALSO to surrender or obtain or accept the surrender of any lease in which I am or may be interested, ALSO to exercise and execute all powers which now are or shall hereafter be vested in or conferred on me as a lessor or mortgagee under the Act (*or otherwise according to the nature and extent of the powers intended to be conferred)*, AND for me and in my name to sign all such transfers and other instruments and do all such acts, matters and things as may be necessary or expedient for carrying out the powers hereby given and for recovering all sums of money that are now or may become due or owing to me in respect of the premises and for enforcing or varying any contracts, covenants or conditions binding upon any lessee, tenant or occupier of the lands or upon any other person in respect of the same and for recovering and maintaining possession of the lands and for protecting the lands from waste, damage or trespass.

Dated this _____ day of _____, 20 ____.

Signed by _____,
in the presence of _____ .

Seventeenth Schedule.

s. 147.

Certificate of Officer, Etc. Taking Declaration of Attesting Witness.

Appeared before me at _____ the _____ day of _____, 20 ____, _____ (*insert name*), the attesting witness to this instrument, and declared that he/she personally knew _____ (*insert name*), the person signing the instrument, and whose signature _____ (*insert name of attesting witness*) attested, and that the name purporting to be the signature of _____ *(insert name)* is his/her proper handwriting and that he/she being of sound mind, freely and voluntarily signed the instrument.

_____

Signature of person taking the declaration of the attesting witness (*set out qualification*)

Eighteenth Schedule.

s. 148.

Certificate of Attesting Witness.

Signed by _____ *(by his/her making his/her mark hereto in my presence*),* and I certify that the above instrument (*or* power of attorney) was first read over and explained to him/her, when he/she appeared fully to understand it.

_____

Signature of attesting witness (*set out qualification*)

**Strike out if inapplicable.*

Nineteenth Schedule.

s. 158.

Applications to Amend Certificate and Rectify Register.

Application to Amend Certificate.

To the Registrar of Titles.

I, _____ (*insert name*), apply to have the Vol. _____ Fol. _____ amended in the following particulars—

_____

_____

_____

_____

(State the nature of proposed amendment, and, in a case in which the description is erroneous or imperfect on the face of it, add the words "on the ground that the _____ is erroneous or imperfect on the face of it")

and I declare—

1. That the land which would be described by the _____ when amended in accordance with this application is now in my occupation, and has been actually and bona fide occupied by me or persons holding under me since _____.

2. That the nature of that occupation was as follows—*(State generally how and by whom the land has been occupied, as for instance, "by myself as a farm and dwelling; by my tenants, _____ and _____, as shops"; or "partly by me as a dwelling, and partly by my tenant, _____, as a shop").*

3. That the names and addresses so far as known to me of the occupants of all lands contiguous to the land so occupied by me are as follows—

   _____

   _____

4. That the names and addresses so far as known to me of the owners of all lands contiguous to the land so occupied by me are as follows—

_____

_____

5. That to the best of my knowledge and belief the reasons why the description of the land in the certificate does not accord with the description of the land so occupied by me are the following—*(set out reasons)*.

_____

_____

_____

_____

Dated this _____ day of _____, 20 ____.

Made and subscribed at _____
in the presence of _____.

Application to Rectify Register.

To the Registrar of Titles.

I, _____ (*insert name*), the registered proprietor of the land which is described as follows in the _____ Vol. _____ Fol. _____ *(set out full particulars)* apply to have the register of titles rectified in the following particulars—

_____

_____

_____

_____

(state the nature of the proposed rectification, and mention the volume and folio of every grant, final mailo certificate or certificate of title and the name of every registered proprietor whose title would be affected by the proposed rectification);

and I declare—

1. That to the best of my knowledge and belief the discrepancy between the description in my _____ and that in the other titles above mentioned is due to error in survey or misdescription, and has arisen *(give the supposed cause of discrepancy, or state that the applicant is unable to assign any specific cause for the discrepancy).*

2. That the title to the land affected by the proposed rectification has never been in contest between me or as I believe any one from whom I claim and any other person in any proceeding in any court of law or equity.

3. That the land described in my _____ has been actually and bona fide occupied by me and persons holding under me since _____.

4. That the nature of that occupation was as follows—

   _____

   _____

   _____

   _____

(State generally how and by whom the land has been occupied, as, for instance, "by myself as a farm and dwelling; by my tenants, _____, and _____, as shops" or "party by me as a dwelling, and partly by my tenant, _____ as a shop").

Dated the _____ day of _____, 20 ____.

Made and subscribed at _____
in the presence of _____.

Twentieth Schedule.

s. 165.

Summons.

In the matter of the Registration of Titles Act.

_____, (*insert name and addition*) is summoned to appear before me at the Office of Titles, Kampala, on the _____ day of _____, 20 ____, at _____ o'clock in the *(fore)*noon then and there to be examined at the instance of _____ (*insert name and addition*) concerning _____, and he/she is required to bring with him/her and produce at the time and place aforesaid _____ *(describe documents)* and all other writings and documents in his/her custody or power in anywise relating to the premises.

Given under my hand this _____ day of _____, 20 ____.

_____
Registrar of Titles

s. 199.

Table A: General conditions of sale.

1. The purchaser shall complete his or her purchase upon the day that the last of the bills for purchase money becomes due; but he or she shall be entitled to the possession of the lot or lots purchased by him or her, or to the receipt of the rents and profits of the lot or lots, upon his or her acceptance of the title to the lot or lots and if, from any cause whatsoever, his or her purchase shall not be completed at the time above specified, the purchaser shall pay interest on those of his or her bills as shall become overdue at the rate of 12 percent per year to the time of completion, without prejudice, however, to the vendor's right under the sixth condition.

2. All roads or ways adjoining or leading to or from the land sold or shown on the existing grant final mailo certificate or certificate of title to the property the areas of which roads are not included therein shall be deemed by the purchaser either to be appurtenant to the land or to have become public roads.

3. The grant final mailo certificate or certificate of title to the property sold shall be produced, and a copy of it may be made by the purchaser or his or her advocate on application in that behalf to the vendor or his or her advocate, and the purchaser shall within fourteen days after the day of sale deliver to the vendor or his or her advocate a statement in writing of all objections or requisitions (if any) to or on the title, or concerning any matter appearing on the particulars or conditions, and in this respect time shall be of the essence of the contract.

4. All objections or requisitions not included in the statements to be delivered within the time specified in paragraph 3 shall be deemed absolutely waived by the purchaser, and in default of such objections (if none) and subject only to the objections (if any) so delivered, the purchaser shall be considered as having accepted the title, and the auctioneer may pay over and deliver to the vendor all sums of money paid and bills given to the purchaser on account of the purchase money without being liable to any action or other proceeding for recovery of the money and bills.

5. In case the purchaser shall within the time specified in paragraph 3 make any objection to or requisition on the title or otherwise which the vendor shall be unable or unwilling to remove or comply with, and the objection or requisition shall be insisted on, the vendor or his or her advocate may (whether he or she shall have attempted to remove the objection or comply with the requisition or not, and notwithstanding any negotiation or litigation in respect of the same) at any time, by notice in writing, annul the sale, and within one week after giving the notice repay to the purchaser the amount of his or her purchase money or so much of it as shall have been paid in full satisfaction of all claims and demands whatsoever by the purchaser and also return all unpaid bills given by the purchaser, but without any interest, costs or damages of any description.

6. If any mistake is made in the description or area of the property, or if any other error whatsoever shall appear in the particulars of the property, the mistake or error shall not annul the sale; but a compensation or equivalent, to be settled by two arbitrators mutually appointed in writing, or their umpire, shall be given or taken as the case may require.

7. The party discovering the mistake or error shall give notice of it in writing to the other party within seven days after the discovery, and each party within seven days after the notice shall appoint in writing an arbitrator, and if either party shall refuse to appoint an arbitrator within that term, the arbitrator of the other party alone may proceed in the matter and make the final decision.

8. If two arbitrators are appointed they are to nominate an umpire in writing before they enter upon the business, and the decision of those arbitrators or umpire (as the case may be) shall be final.

9. If the purchaser shall fail to comply with the above conditions, or shall not pay the whole of the deposit, or shall not give the bills provided for by the contract, or shall not duly pay them or any of them, his or her deposit money or so much of it as shall have been paid, shall be actually forfeited to the vendor, who shall be at liberty without notice to rescind the contract and to resell the property bought by the purchaser by public auction or private contract, and the deficiency (if any) in price occasioned by the sale, together with all expenses

attending it, shall immediately be made good by the defaulter at this present sale, and in case of nonpayment the amount of the deficiency and expenses shall be recoverable by the vendor as and for liquidated damages, and it shall not be necessary previously to tender a transfer to the purchaser, or the vendor may deduct and retain the deficiency and expenses out of the amount of any of the before-mentioned bills which shall then have been paid, repaying to the defaulter within seven days after the completion of the sale the residue of such amount, but without any interest, and returning without any unnecessary delay any then unpaid bills.

10. The vendor will upon due payment of the full amount of purchase money sign a transfer of the property to the purchaser, that transfer to be prepared by and at the expense of the purchaser.

11. The purchaser shall pay or bear the expense of all stamp duties on or in respect of the bills provided for by the contract and on the transfer to him or her.

12. If the purchaser shall not give any bills but shall agree to pay the balance of purchase money by an installment or installments the words “installment or installments of purchase money” shall be read in these conditions instead of the word “bills”.

———

Twenty-second Schedule.

ss. 33, 34, 171.

Fees.

		Shs. *(Unless otherwise noted)*
1.	For every certificate of title issued	10000
2.	For assurance of title— (a) under section 34 (b) under section 167	 1% of the improved value of the land 0.5% of the unimproved value of the land
3.	On lodgement for registration of— (a) a transfer, lease, sublease, surrender of a lease or a sublease, mortgage or release of mortgage in the form prescribed in the Schedule to the Act (b) any transaction referred to under subparagraph (a) of this paragraph when not in the prescribed form (c) any instrument or other document for the purpose of subdivision or amalgamation of land (d) an application under section 134 (e) any dealing necessitating the registrar to dispatch through the post office by registered mail	1.000015000e+23
4.	Where an instrument of lease, sublease or mortgage is lodged in triplicate, there is an additional fee of	2000
5.	On lodgement of— (a) a caveat (b) withdrawal of a caveat	 1000010000
6.	For every application for issue of a special certificate of title	15000

		Shs. *(Unless otherwise noted)*
7.	For every application under section 78	0.5% of the value of the land
8.	On lodgement for entry of a copy of a decree of execution or of an order of a court	10000
9.	For removal of a decree or an order of a court	10000
10.	For every application to note a reentry	10000
11.	For every application for rectification of title	15000
12.	On every application for the vesting of a lease or sublease in the mortgagee on refusal of the official receiver or trustee to accept it	20000
13.	For every application under section 167	10000
14.	On lodgement of any instrument or other document whose purpose is to deal with or effect more than one certificate of title, mortgage or lease, for each memorial or entry after the first	5000
15.	For an application for a statement of grounds under section 182	20000
16.	For an application to note change of name or address	5000
17.	For perusal of a power of attorney, a memorandum and articles of association of a limited liability company, rules or byelaws of a charter or other written constitution of a corporate body	5000

		Shs. *(Unless otherwise noted)*
18.	For search of the Register Book where reference to volume and folio or block and plot is indicated	10000
19.	For search of the Register Book where reference to volume and folio or block and plot is not indicated	10000
20.	For certified copies of any certificate of title or registered instrument, per foolscap page or part of it	2000
21.	For every appointment to the position of sworn valuer under section 6	10000
22.	For any act, matter or thing not hereinbefore provided for	10000

———

History: Cap. 205, L.N. 269/1963; S.I. 96/1966; S.I. 135/1968, s. 2; Decree 17/1974, s. 16; S.I. 66/1981; S.I. 3/1998; Act 16/1998, s. 97.

Cross References

Ankole Agreement, 1901.
Civil Procedure Act, Cap. 71.
Crown Lands (Adjudication) Rules.
Land Regulations, 1951 Revision, Cap. 113.
Land Transfer Act, 1964 Revision, Cap. 202.
Magistrates Courts Act, Cap. 16.
Possession of Land Law of the Kingdom of Buganda.
Public Lands Act, 1964 Revision, Cap. 201.
Registration of Documents Act, Cap. 81.
Registration of Documents Ordinance, 1904 Ordinance 3/1904.
Registration of Land Titles Ordinance, 1908, Ordinance 11/1908.
Toro Agreement, 1900.