

CAYMAN ISLANDS



PRESCRIPTION (AMENDMENT) BILL, 2020

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A BILL FOR A LAW TO AMEND THE PRESCRIPTION LAW (2018 REVISION) TO PROVIDE FOR THE POWER OF THE REGISTRAR OF LANDS TO REGISTER A PUBLIC RIGHT OF WAY WHERE THERE IS NO OBJECTION TO THE REGISTRATION; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Education, Youth, Sports, Agriculture and Lands (EYSAL)



**Memorandum of
OBJECTS AND REASONS**

This Bill seeks to amend the Prescription Law (2018 Revision) to provide for the power of the Registrar to register a public right of way where there is no objection to the registration. The Bill would also provide for incidental and connected purposes.

Clause 1 provides for the short title and commencement of the legislation.

Clause 2 amends section 5 of the Prescription Law (2018 Revision) to extend the application of that section to include applications made to the Registrar, such as those made under new section 9(2) to register a public right of way where there is no dispute or objection.

Clause 3 amends section 9 of the Prescription Law (2018 Revision) to enable the Registrar of Lands to register a public right of way as an incumbrance on the register of land owned by the proprietor, where the public or a class of the public have used any beach, land, road, track or pathway in the manner and for the period specified in section 4(1) and such use is not disputed by the proprietor.

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ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Law may be cited as the Prescription (Amendment) Law, 2020.
- (2) This Law comes into force immediately after the commencement of the *Registered Land (Amendment) Law, 2020*.

Amendment of section 5 of the Prescription Law (2018 Revision) - computation of time

2. The *Prescription Law (2018 Revision)* is amended in section 5 by deleting the words “or suit” and substituting the words “, suit or application to the Registrar of Lands”.

Amendment of section 9 of the Prescription Law (2018 Revision) - procedure for establishing rights under section 4

3. The *Prescription Law (2018 Revision)* is amended in section 9 as follows —
 - (a) by renumbering section 9 as section 9(1);

- (b) in subsection (1)(b) as renumbered, by inserting after the word “the” where it first appears the words “Public Lands Commission established under section 4 of the *Public Lands Law (2020 Revision)* or the”; and
- (c) by inserting after subsection (1) as renumbered the following subsections —
- “(2) Where the public or a class of the public —
- (a) have used any beach, land, road, track or pathway in the manner, and for the period, specified in section 4(1); and
- (b) this use is not disputed by the proprietor,
- the entity referred to in subsection (1)(b) may apply to the Registrar of Lands under section 138A of the *Registered Land Law (2018 Revision)* to register the right to access and use such beach, land, road, track or pathway (“the public right of way”) as an incumbrance on the register of the land owned by the proprietor.
- (3) Where an application is made to the Registrar under subsection (2), the Registrar shall register the public right of way referred to in that subsection as an incumbrance on the register of the land affected.
- (4) In this section, “**Registrar**” means the Registrar of Lands appointed under section 5 of the *Registered Lands Law (2018 Revision)*.”.

Passed by the Legislative Assembly the day of , 2020.

Speaker

Clerk of the Legislative Assembly

