

POSSESSORY TITLES (AMENDMENT) BILL, 2026

EXPLANATORY NOTES

This Bill seeks to amend the Possessory Titles Act, 2016 and contains 21 clauses.

Clause 1 provides for the short title.

Clause 2 seeks to amend section 2 of the principal Act primarily to insert a definition of “land surveyor” to complement the amendment of section 5 of the principal Act.

Clause 3 seeks to amend section 3 of the principal Act to insert two new subsections (5) and (6) to provide a bar against the making of multiple applications under the Possessory Titles Act, 2016 unless the original application was refused due to a procedural irregularity.

Clause 4 seeks to amend section 4 of the principal Act to insert a new requirement for the application to include particulars of payments made towards taxes under the Property Tax Act, Chapter 257B and to name the legal owner immediately preceding the 12-year period.

Clause 5 seeks to amend section 5 of the principal Act to insert a new requirement for an application to be accompanied by a detailed report of a land surveyor.

Clause 6 seeks to amend section 6 of the principal Act to insert a new subsection (1A) setting out the standard with which the plan accompanying the application must comply.

Clause 7 seeks to insert a new section 6A to the principal Act, to insert a new requirement for the applicant to make a deposit of such sum as may be prescribed by the Minister for the purpose of covering the expenses of and consequential on the application. These expenses include obligations of the Registrar under section 7 as amended by **clause 8** and section 23.

Clause 8 seeks to revise and expand section 7 of the principal Act:

- to insert new paragraphs with a requirement for service of the application on the Registrar of the Supreme Court and the legal owner immediately preceding the 12-year period,
- to include the requirement for notices to be accompanied by a copy of the plan of the land,
- to replace the requirement on the applicant to have the notice posted in the Magistrate's Court,
- to transfer to the Registrar of the Supreme Court the obligation of having the notice posted in the Magistrate's Court,
- to require the applicant to make a deposit to cover the expenses of the Registrar's discharge of the obligations.

Clause 9 seeks to insert a new section 7A to the principal Act to mandate the service of the notice of application on the previous owner of the land pursuant to available records at the Deeds and Land Registry.

Clause 10 seeks to amend section 8 of the principal Act to repeal and replace subsection (1) to provide revised requirements for service of the notice of application in accordance with the Eastern Caribbean Supreme Court Civil Procedure Rules.

Clause 11 seeks to insert a new section 8A to the principal Act, with a requirement for all filed documents to be served on the Attorney-General.

Clause 12 seeks to insert a new section 11A to the principal Act to expressly provide for the declaration of possessory titles to specify the size of the piece or parcel of land. **Clause 12** also seeks to limit the acreage for which a declaration may be granted – to one-quarter of an acre – unless the Court is satisfied that there was adverse possession of a specified greater acreage.

Clause 13 seeks to revise the marginal note of section 12 of the principal Act to remove reference to “default judgment” and replaced with “*Ex parte* proceedings”.

Clause 14 seeks to amend section 21 of the principal Act to insert a new subsection (4) to provide for a judgment under this Act to be set aside or varied after the 60-day period of section 21 (2) has elapsed if there are exceptional circumstances.

Clause 15 seeks to amend section 29 of the principal Act to reflect the new section 21 (4) as inserted by **clause 14**.

Clause 16 seeks to amend section 32 of the principal Act to clarify that reference to “the Registry” means the Deeds and Lands Registry as opposed to the Supreme Court Registry.

Clause 17 seeks to amend section 33 of the principal Act to clarify that reference to “the Registrar” means the Registrar of the Deeds and Lands Registry as opposed to the Registrar of the Supreme Court Registry.

Clause 18 seeks to repeal subsections (1) and (2) of section 34 of the principal Act to remove the provisions relating to fixed fees for services by attorneys-at-law provided under the Possessory Titles Act, 2016.

Clause 19 seeks to insert a new section 34A to empower the Registrar of the Supreme Court to publish the notices relating to applications under the Possessory Titles Act, 2016 using various methods including electronic means.

Clause 20 seeks to amend Schedule I to the principal Act to repeal Forms 1 and 3 and to revise Form 2, to better reflect consistency with the Eastern Caribbean Supreme Court Civil Procedure Rules.

Clause 21 seeks to amend Schedule II to the principal Act to remove the provisions relating to fixed fees for services provided by attorneys-at-law under the Possessory Titles Act, 2016.

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Sen. The Hon. Claudette Joseph
ATTORNEY-GENERAL

POSSESSORY TITLES (AMENDMENT) BILL, 2026

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 2 of principal Act
3. Amendment of section 3 of principal Act
4. Amendment of section 4 of principal Act
5. Amendment of section 5 of principal Act
6. Amendment of section 6 of principal Act
7. Insertion of section 6A to principal Act
8. Repeal and substitution of section 7 of principal Act
9. Insertion of new section 7A to principal Act
10. Amendment of section 8 of principal Act
11. Insertion of new section 8A to principal Act
12. Insertion of new section 11A to principal Act
13. Amendment of section 12 of principal Act
14. Amendment of section 21 of principal Act
15. Amendment of section 29 of principal Act
16. Amendment of section 32 of principal Act
17. Amendment of section 33 of principal Act

18. Amendment of section 34 of principal Act
19. Insertion of new section 34A to principal Act
20. Amendment of Schedule I to principal Act
21. Amendment of Schedule II to principal Act

POSSESSORY TITLES (AMENDMENT) BILL, 2026

GRENADA

ACT NO. OF 2026

AN ACT to amend the Possessory Titles Act, 2016.

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

Short title

1. This Act may be cited as the

POSSESSORY TITLES (AMENDMENT) ACT, 2026.

and shall be read as one with the Possessory Titles Act No. 22 of 2016 hereinafter referred to as the “principal Act”.

Amendment of section 2 of principal Act

2. Section 2 of the principal Act is amended as follows—

- (a) in the definition of “land” by deleting the word “to” before the words “any share”;
- (b) inserting in the appropriate alphabetical order the following new definition—

““land surveyor” means a land surveyor licensed pursuant to the Land Surveyors Act, Chapter 162;”.

Amendment of section 3 of principal Act

3. Section 3 of the principal Act is amended as follows—

- (a) in subsection (1) by deleting the word “Where” before the words “a person” and substituting therefor “Subject to subsection (5), where”;

(b) by inserting after subsection (4) the following new subsection—

“(5) Where a person has obtained a declaration of possessory title in accordance with this Act, the person shall not make a subsequent application under this section for any other piece or parcel of land unless—

- (a) a period of at least twenty years has elapsed from the date on which the declaration of possessory title was granted, to the date of making the subsequent application; or
- (b) upon an application for leave of the Court, the Court is satisfied that it is just and equitable to consider a subsequent application by the person before the expiration of the period specified under paragraph (a).”.

Amendment of section 4 of principal Act

4. Section 4 of the principal Act is amended as follows—

(a) in the subsection as follows—

- (i) by numbering the subsection as subsection (1);
- (ii) in the chapeau by deleting the words “in accordance with Form I of Schedule I” after the word “made” and substituting therefor the words “by fixed date claim in accordance with the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000”;
- (iii) in paragraph (a) by inserting a “comma” and the words “and, in the case of a piece or parcel of land exceeding one-quarter of an acre English Statute Measure, the acreage of the piece or parcel of land for which adverse possession is claimed” after the words “estimated value”;

- (iv) in paragraph (c) by deleting the word “and” after the “semi-colon”;
- (v) by deleting paragraph (d) and substituting therefor the following new paragraphs—

- “(d) pursuant to the records located at the Deeds and Land Registry, the name, if any, of every owner of the piece or parcel of land immediately before the period for which the applicant claims to be in adverse possession;

- (e) if applicable, particulars of every payment of a tax under the Property Tax Act, Chapter 257B, made by the applicant in respect of the land for the period of twelve years immediately preceding the application; and

- (f) whether, to the best of the knowledge of the applicant, the piece or parcel of land is not Crown Lands.”;

- (b) by inserting after the subsection the following new subsection—

- “(2) An application under subsection (1) shall name the Attorney-General as a Respondent.”.

Amendment of section 5 of principal Act

5. Section 5 of the principal Act is amended as follows—

- (a) in subsection (1) as follows—

- (i) in paragraph (a) by deleting the word “and” after the “semi-colon”;
 - (ii) in paragraph (b) by deleting the “full-stop” and substituting therefor a “semi-colon” and the word “and”;
 - (iii) by inserting after paragraph (b) the following new paragraph—

“(c) a report of a land surveyor on the use and occupation of the piece or parcel of land, setting out the full description thereof, and including—

(i) particulars of any interest that the Crown may have in the land;

(ii) particulars of any other apparent interest of a person other than the applicant, including a person who may be occupying the land;

(iii) colour photographs of the land; and

(iv) any other information that the land surveyor deems relevant.”;

(b) in subsection (4) (b) by deleting the word “or” after the “semi-colon” and substituting therefor the word “and”.

Amendment of section 6 of principal Act

6. Section 6 of the principal Act is amended by inserting after subsection (1) the following new subsection—

“(1A) A plan for the purposes of this section shall include—

(a) the degrees, dimensions, bearings and measurements that demonstrate the position and size of the piece or parcel of land;

(b) the name of the owner of each adjoining lot of land; and

(c) any natural or artificial feature on the surface of the land.”.

Insertion of section 6A to principal Act

7. The principal Act is amended by inserting after section 6 the following new section—

“Deposit to accompany application.

6A. (1) In addition to any other fees or expenses in respect of an application for declaration of possessory title, the application shall be accompanied by a deposit of such sum as may be prescribed for the purpose of covering the expenses of and consequential on the application.

(2) For the purposes of subsection (1), the expenses of and consequential on the application include expenses to finance the discharge of the Registrar’s obligation—

- (a) to post copies of a notice in accordance with section 7 (2);
- (b) to publish a notice in accordance with section 23; and
- (c) to publish any other notice or document as required by any provision of this Act.”.

Repeal and substitution of section 7 of principal Act

8. The principal Act is amended by repealing section 7 and substituting therefor the following new section—

“Notice and advertisement.

7. (1) Upon filing an application for declaration of possessory title, the applicant shall—

- (a) publish a notice in accordance with Form 2 of Schedule I accompanied by a copy of the plan that has been authenticated in accordance with section 6 (1), in the *Gazette*;
- (b) publish a notice in accordance with Form 2 of Schedule I accompanied by a copy of the plan that has been authenticated in accordance with section 6 (1), in two issues of at least two newspapers circulating in Grenada, the second issue of each newspaper being published not less than two months after the first issue;
- (c) between the dates of the first and last publications under paragraph (b), serve on the Registrar the notice in accordance

with Form 2 of Schedule I accompanied by a copy of the plan that has been authenticated in accordance with section 6 (1); and

- (d) cause a copy of the documents filed in support of an application under section 5 and a copy of the plan that has been authenticated in accordance with section 6 (1), to be served on every person (if any) identified under section 4 (d).

(2) Within fourteen days of receipt of the notice in accordance with subsection (1) (c) and the deposit under section 6A, the Registrar shall post or cause to be posted a copy of the notice in a conspicuous place at—

- (a) the Registry;
- (b) the Deeds and Land Registry; and
- (c) the Magistrate’s Court in each district,

and shall cause the notice to be published on an official government website and by the official information service of the Government through available media.

(3) All expenses for posting and publication under subsection (2) shall be charged to the applicant.”.

Insertion of new section 7A to principal Act

9. The principal Act is amended by inserting after section 7 the following new section—

“Service on previous owner.

7A. (1) Where records at the Deeds and Land Registry indicate the name of the owner of the piece or parcel of land immediately before the period for which the applicant claims to be in adverse possession, the applicant shall, not later than twenty-one days after filing the application for declaration of possessory title, cause a copy of the notice pursuant to section 7, to be served on the owner—

- (a) personally in accordance with Part 5 of the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000; or
 - (b) outside of the jurisdiction in accordance with rule 7.3 of the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000.
- (2) Where an owner named in the records at the Deeds and Land Registry is deceased, the applicant shall serve the estate of the deceased person pursuant to paragraph (a) or (b) of subsection (1), as the case may be.
- (3) An order containing a declaration of possessory title shall not be granted, unless—
- (a) the provisions of this section are complied with; and
 - (b) not less than six weeks have elapsed after the service of the notice required by this section.”.

Amendment of section 8 of principal Act

10. Section 8 of the principal Act is amended as follows—

- (a) by repealing subsection (1) (a) and substituting therefor the following new paragraph—
 - “(a) to be served on all owners as stated on the plan that has been authenticated in accordance with section 6 (1), and occupiers, of the land adjoining the piece or parcel of land to which the application relates—
 - (i) personally in accordance with Part 5 of the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000; or
 - (ii) outside of the jurisdiction in accordance with rule 7.3 of the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000; or”;

(b) by inserting after subsection (1) the following new subsection—

“(1A) Where an owner named in the records at the Deeds and Land Registry is deceased, the applicant shall serve the estate of the deceased person pursuant to paragraph (a) or (b) of subsection (1), as the case may be.”.

Insertion of new section 8A to principal Act

11. The principal Act is amended by inserting after section 8 the following new section—

“Service on the Attorney-General.

8A. Upon filing an application for declaration of possessory title, the applicant shall cause a copy of the documents filed in support of an application under section 5 to be served on the Attorney-General.”.

Insertion of new section 11A to principal Act

12. The principal Act is amended by inserting after section 11 the following new section—

“Declaration of possessory title by the Court.

11A. (1) Upon hearing an application for declaration of possessory title, the Court may grant a declaration of possessory title in the name of the applicant if the Court is satisfied that the applicant has satisfied the requirements of this Act, and the declaration shall specify the degrees, dimensions, bearings and measurements that demonstrate the position and size of the piece or parcel of land.

(2) A declaration of possessory title shall not be granted respecting more than one-quarter of an acre English Statute Measure of piece or parcel of land, unless the Court is satisfied that there was adverse possession of the acreage that is greater than one-quarter of an acre English Statute Measure and the size of the piece or parcel of land shall be specified in the order.”.

Amendment of section 12 of principal Act

13. Section 12 of the principal Act is amended by deleting the marginal note and substituting therefor the marginal note “*Ex parte* proceedings.”.

Amendment of section 21 of principal Act

14. Section 21 of the principal Act is amended by inserting after subsection (3) the following new subsection—

“(4) Notwithstanding subsection (2), with leave of the Court, a person may apply for the judgment to be set aside or varied at any time in exceptional circumstances.”.

Amendment of section 29 of principal Act

15. Section 29 of the principal Act is amended in the chapeau by deleting the words “The person” and substituting therefor the words “Subject to section 21 (4), the person”.

Amendment of section 32 of principal Act

16. Section 32 of the principal Act is amended by inserting after the words “registered in the” the words “Deeds and Land”.

Amendment of section 33 of principal Act

17. Section 33 of the principal Act is amended by inserting after the words “the Registrar” the words “of the Deeds and Land Registry”.

Amendment of section 34 of the principal Act

18. Section 34 (1) and (2) of the principal Act is hereby repealed.

Insertion of new section 34A to principal Act

19. The principal Act is amended by inserting after section 34 the following new section—

“Publication.

34A. The Registrar may publish notices for the purposes of section 7 (2) and section 23, in any manner as follows—

- (a) on an official government website;
- (b) through radio or television broadcasting;
- (c) in a newspaper in national circulation;

(d) by publication in the *Gazette*.”.

Amendment of Schedule I to principal Act

20. Schedule I to the principal Act is amended as follows—

- (a) by repealing Form 1;
- (b) by repealing Form 2 and substituting therefor the following new form—

“FORM 2

(section 7)

**IN THE SUPREME COURT OF GRENADA AND
THE WEST INDIES ASSOCIATED STATES
HIGH COURT OF JUSTICE
(CIVIL)**

GRENADA

CLAIM NO. GDAHCV20...../.....

**IN THE MATTER OF SECTION 3 OF THE POSSESSORY TITLES
ACT, 2016**

**APPLICATION FOR DECLARATION OF POSSESSORY TITLE
NOTICE**

Whereas (name, address and occupation of applicant) by his or her application filed in the High Court on (date) claims to have acquired title by twelve years’ adverse possession of the land described in the Schedule to this Notice and has applied to the Court for a declaration of possessory title.

Now all persons claiming interest in the said land are required to enter an appearance in the Supreme Court Registry in person or by

his or her legal practitioner, within two months from the date of the last publication of this Notice which is being published twice in the newspapers.

SCHEDULE

(accompanying plan pursuant to section 6 of the Possessory Titles Act, 2016)

.....
Registrar”;

(c) by repealing Form 3.

Amendment of Schedule II to principal Act

21. Schedule II to the principal Act is amended by deleting the following row—
“Solicitor’s fees for uncontested applications [\$1,000.00]”.

Passed by the House of Representatives this day of , 2026.

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Clerk to the House of Representatives

Passed by the Senate this day of , 2026.

Clerk to the Senate