

## **Search Certificates and Orders for Stay of Registration**

### **What is a Search Certificate? (Section 144)**

A Search Certificate is issued by the Registrar of Titles to confirm that a registered proprietor can deal with the land referred to in the Certificate. The Certificate will show all incumbrances e.g., mortgage, leases, caveats and pending dealings lodged for registration but not yet registered. The Certificate is signed by the Registrar of Titles or duly authorized officers and the Seal of the Office affixed.

### **Who normally requires a Search Certificate?**

These Certificates are often used by prospective lenders of money and purchasers of land before payment out of any funds.

### **How do I apply for a Search Certificate?**

The request for the Search Certificate is made on the prescribed form giving the name of the registered owner(s), the Volume and Folio number of the Certificate of Title and the name of the applicant.

### **How soon may I receive the Certificate?**

The Certificate is issued within 48 hours after the fees have been paid.

## **Orders for Stay of Registration (Section 146)**

Where a person proposes to deal, for value, with a registered owner an application for search certificate is the most prudent protection for a purchaser. An application order for stay of registration is usually made at the same time as application for Search Certificate. This is made with the consent of the registered owner. If the Search Certificate shows that the registered owner is free to deal with his land, the order would be prepared and signed by the Registrar or duly authorized officer. The endorsement of the order is then made on the original Certificate of Title only.

## **Effect of a Stay Order**

The order has the effect of delaying the registration of any instrument presented for registration affecting the land by a party other than the applicant for forty-eight (48) hours from the date of the order. The proposed dealing maintains priority over any dealing for the time stated.

## **What if the proposed dealing is not lodged within the 48 hours?**

If the proposed dealing is not lodged within forty-eight (48) hours covered by the Order for Stay of Registration all dealings lodged within that time is will be dealt with in the usual order of priority.

### **How do I apply for an Order for Stay of Registration?**

The request for the Stay of Registration is made on the prescribed form. The application must be signed by the applicant and the registered owner or his duly authorized agent. The proposed dealing, example transfer, lease or mortgage must be described along with the value of the transaction, e.g. consideration, rent or mortgage amount.

### **Fees**

Fee No. 14 deals with Search Certificates

Fee No. 15 deals with Orders for Stay of Registration

### **General Notes**

The request for the search certificate and order for stay of registration are made on prescribed forms. Both forms are readily available on our website [www.nla.gov.jm](http://www.nla.gov.jm).