



The Law of Property is governed by two systems i.e. the Real Property Ordinance, also known as the Registered System, and the Common Law System.

1. Real Property Ordinance

The Legislation which administers the transfer of lands brought under the registered system of property law.

2. Common Law

The Common Law system governs lands that are brought under the registration of the land system.

3. Certificate of Title

This is a certificate that proves ownership of property under the Real Property Ordinance and is issued by the Registrar of Lands.

4. Tenants in Common

This is a term used to describe ownership when property is conveyed to more than one person wherein each owner has a separate and identifiable share of the said property. It means that each owner possesses the property independently and has the right to devise (i.e. put in a will) sell or mortgage land without the consent of the other owners.

5. Joint Tenants

This term is the antonym of Tenants in Common wherein the owners cannot devise, mortgage or sell property without the consent of the other owners. Also, when one owner dies that share of the property is divided among the other living owners.

6. Tenancy at Will

A tenancy at will is a method of granting occupation of premises without the tenant acquiring security of tenure. It is suitable only for a temporary arrangement.

7. Prescriptive Rights

This is a statutory term wherein a right of use of a property arises where a person carries out an activity or continues to use another person’s property for a specific period of time, namely 20 years, as set out in the Law of Property Act in the Laws of Trinidad and Tobago.

8. Certificate of Comfort

This is a certificate granted under the STATE LAND (Regularisation of Tenure) Act of 1998. This act grants a squatter certain protection from ejection from state lands. This is done by the issuance of a Certificate of Comfort that confirms a personal right to protection from ejection, however no interest in the land is created.

9. Hereditaments

This is a term used to describe all kinds of estates, interest and rights to land that can be inherited.

10. Appurtenances

Property that is considered incidental to the principal property that can be conveyed with the land or included in a will.

11. Right of Way

This is an easement and/or permission granted to an individual or a group of persons to allow a right of use over another's land.

12. Deed of Conveyance

This document must be registered to show the sale of property or any such transfer of property from one person to another. This deed is governed by the Common Law

13. Registered Deed

A document that proves registration of a conveyance of property found in common law property. This allows a person to give notice to the world as to the ownership of the property. A deed must be registered and recorded in Registration House and assigned a registration number.

14. Memorandum of Transfer

This is a document, which shows the transfer or sale of land from one person to another under the Real Property Ordinance. It must be registered.

15. Deed of Lease

This is a contractual document between a Landlord and Tenant, which may be registered, it also lays out the terms and conditions of each party.

16. Deed of Assent

A document transferring interest in Common Law Property from a legal personal representative of a deceased owner to a beneficiary who is entitled by right of a will or by law.

17. Deed of Mortgage

A document registered by the mortgagor where a property is mortgaged.

18. Deed of Gift

This is a conveyance that is done under the Common Law System wherein property is transferred without the payment of money or any type of consideration. This transfer is considered a gift and thus is distinguished from a deed of conveyance.

Disclaimer: These Spatial Planning Guidelines are intended to guide applicants for planning permission. They do not constitute legal advice. Persons are cautioned to seek professional advice and refer to the relevant planning legislation, where necessary, before taking action in relation to any of the issues addressed above.