



## CARIBBEAN COURT OF JUSTICE

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**MEDIA RELEASE**  
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### **THE CCJ AFFIRMS FIRST REGISTRATION WIPES OUT PRESCRIPTION TO LAND IN SAINT LUCIA**

**Port of Spain, Trinidad and Tobago.** On Tuesday, 26 November 2024, the Caribbean Court of Justice (CCJ) gave its reasons for dismissing the appeal brought by an occupier against the judgment of the Court of Appeal of Saint Lucia, upholding the grant of vacant possession to the registered title holder of a parcel of land. The appellant had petitioned for a declaration of title by prescription (acquisition of ownership by long use) against the title holder. The CCJ had previously dismissed the appeal with reasons to follow.

The trial judge found that the occupier had not satisfied the 30 years of continuous possession for prescription, required by the Civil Code. The Court of Appeal upheld the judge's decision that the effect of the new land legislation in Saint Lucia, the Land Adjudication Act, Cap 5:06 ('LAA') and the Land Registration Act, Cap 5:01 ('LRA') both passed in 1984 and 1985 respectively, was to wipe out prescription that was not registered under the new registration process when first registration was required by law. Therefore, when the disputed land was first registered in 1986 by the title holder, this had the effect of interrupting the prior occupation of the occupier's alleged predecessors and that of the occupier, who failed to register their claim of ownership of the land by prescription. In addition to ordering vacant possession, the court also restrained the occupier from entering the land and gave liberty to the title holder to destroy and discard any and all buildings on the land. The occupier was also ordered to pay the title holder's costs.

The CCJ dismissed several grounds of appeal including denial of an opportunity to be heard, failure by the Court of Appeal to appreciate the compatibility of a claim to an overriding interest with the defence of prescription, and that the court embarked on random findings of fact. The CCJ upheld the legal principle stated in the lower courts in this and a number of other cases that failure, at the time of first registration, to register a claim to title, whether by prescription or by deed, extinguished any claim to title that had not been registered.

In dismissing the appeal, the CCJ ruled that the intention of the land system in Saint Lucia when it was introduced in 1984 and 1985, was to allow title to land to be established by entries on the

face of the register. The purpose would be undermined if owners could sit by during the elaborate titling process and later seek to assert title. The legislation, therefore, distinctly excluded that situation. The Court observed that the regimen adopted in the Saint Lucian legislation is at variance with other jurisdictions. A closing observation was made by lead author, the Honourable Mr. Justice Barrow, who stated: “The many cases from Saint Lucia arising from the effects of failure to register a right or claim to land have now ended because, it is deduced, they must have all been determined by the courts. There can be no new cases because the registration process largely ended in 1987. The present decision, therefore, marks the end of an era. Happily, as recounted, the jurisprudence that arose from the challenges of that era has long been settled.

The matter was heard by the Honourable Justices Winston Anderson, Maureen Rajnauth-Lee, Denys Barrow, Andrew Burgess and Peter Jamadar. Mr. Horace Renison Fraser appeared for the appellant and Mr. George Charlemagne appeared for the respondent.

– Article 2103A of the Civil Code provides that title to immovable property may be acquired by sole and undisturbed possession for 30 years if that possession was established to the satisfaction of the Supreme Court which may issue a declaration of title in regard to upon application in the manner prescribed.

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About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court’s Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region’s coming of age.

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