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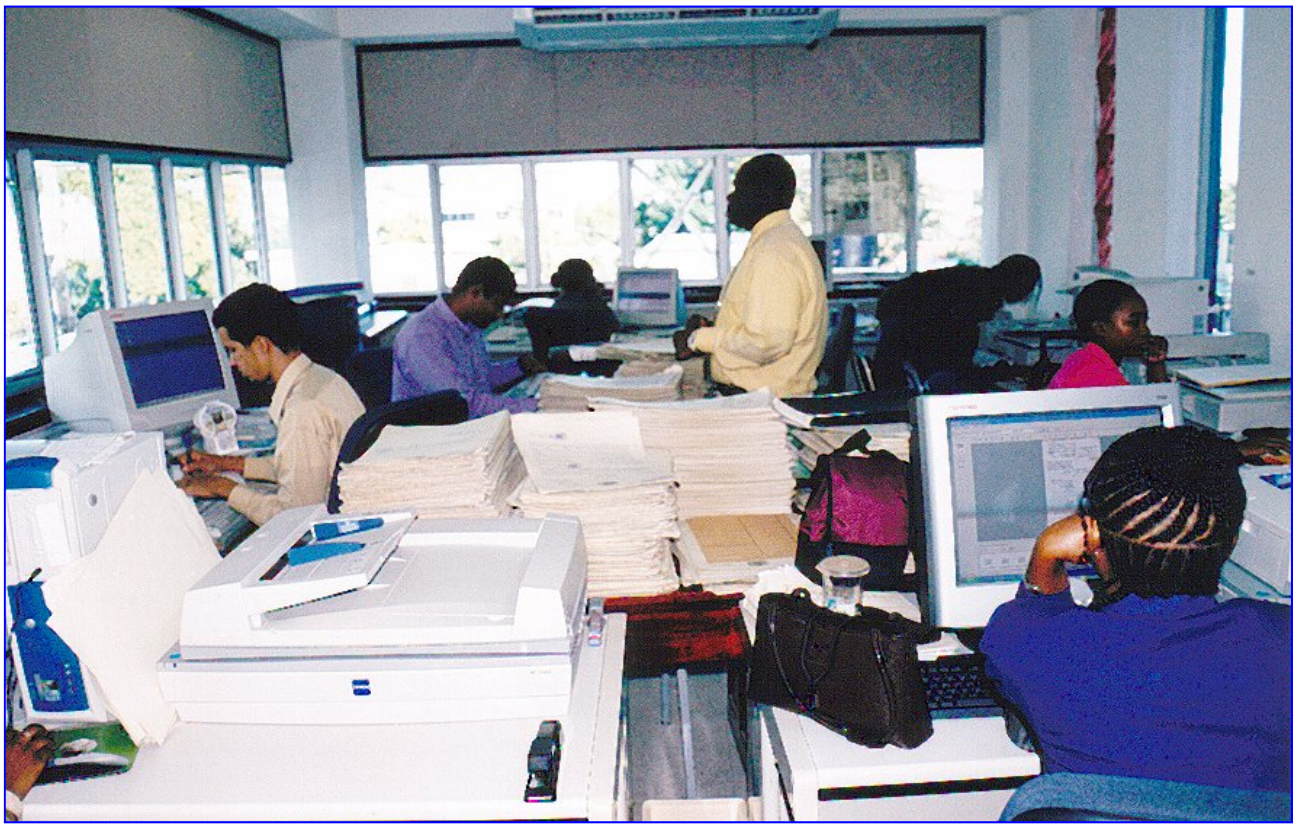
Possible Land Administration Interventions by USAID/PRIDE Jamaica

JAMAICA



Promote, Renew, Invigorate, Develop and Energize the Economic Environment of Jamaica - PRIDE

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Executive Summary

USAID's project, PRIDE Jamaica, is designed to reduce/eliminate administrative barriers and improve the policy framework to establish an improved business operating environment to support private sector growth. PRIDE will support broad consensus between the Government of Jamaica and the private sector on the critical initiatives needed to drive economic growth and sustainable development. Implementation activities are aimed toward eliminating the administrative constraints of doing business, including those policy, regulatory and legislative changes that are conducive to private sector economic growth, and those that support needed fiscal and macroeconomic reforms. These activities will contribute to creating an enabling environment that will improve Jamaica's international competitive position as a place to do business.

This activity supports PRIDE Jamaica's work plan activities under Component 5: "Land Policy and Administration".

Good land law is crucial for market economies; it provides the legal environment for individuals and families to dwell in a secure ownership environment and for them and for businesses to own and sell land and buildings and use them for collateral to obtain credit. Good land law should be accompanied by an objective and user-friendly land titling system under which there is a formal, publicly recorded title for essentially all occupied land. Secure formalized property rights unlock capital and value – especially the poor – and encourage economic activity at all levels. This has been demonstrated in many countries, and it should be considered beyond dispute. [1]

During work planning discussions with USAID/Jamaica, PRIDE Jamaica was advised that the mission would work with USAID/Washington to conduct a comprehensive review of previous donor activities on land

[1] Excerpt from Jamaica's Agenda for Action Final Report February 2008

reform and administration in Jamaica. Once this review is complete, USAID/Jamaica will work with PRIDE Jamaica to determine appropriate activities to incorporate in the program. PRIDE Jamaica participated in this review by providing the services of Mark Samuels (August 14-28. 2010) and Peter Rabley (August 21-28, 2010) ILS[2] specialists in land administration.

Jamaica has had considerable assistance from a variety of bilateral and multilateral funding agencies over the last 30 years with regards to modernizing land institutions as well as the administration of land[3][4]. It has also directed national funds towards modernizing the land sector. Currently, only the EU/Banana program is providing support through the provision of an Estates Management System to the NLA[5]. As a result of this varied assistance and its own investments, Jamaica has made enviable progress - particularly as it relates to the improvement of the institutions governing land, legislation, and administration. Perhaps the single biggest change has been the creation of the National Land Agency on April 1, 2001 to act as a single institutional organization to manage land titles, estate management, surveys and taxation. More than 50% of all land titles in Jamaica are in the title registry despite it being a voluntary process. Modernization of the National Land Agency - particularly as it relates to technology deployment as well as a more public service orientated culture has also progressed to a significant degree and has led to a decrease in the time taken to process various property transactions as well as a lowering of fees.

Despite the successes and the best ongoing efforts of the NLA there are still ongoing issues with land which Jamaica contends with. These are:

1. Outdated land legislation, particularly as it relates to E-Commerce, digital signatures, modern certificates of title, and owners duplicates of title,
2. Institutional inefficiencies - particularly with regards to the role of local government[6],
3. A populace who do not seek to engage in registration easily whether due to cultural, generational or other reasons,
4. An imbalance in the real and perceived incentives and disincentives that currently exist for registering land in Jamaica, and
5. Inefficiencies within the business processes currently being used at the NLA in particular.

It is in these areas that we recommend that USAID through USAID/Jamaica could seek to engage and be of assistance to the Government of Jamaica. Specifically we recommend that USAID/Jamaica:

1. Build upon existing public awareness and education campaigns conducted every year by the NLA. The IADB has recently tendered for a small consultancy to develop materials and a "framework" for public awareness and education focused around support for LAMP II[7]. Based on the timing and outcome of this work the materials and framework could be supported through additional

[2] International Land Systems (ILS), Inc is a sub contractor to CARANA Corporation and is providing the expertise regarding the land sector to the USAID/PRIDE Jamaica project.
[3] IADB Lamp I and LAMP II, World Bank PSMP, USAID/New Economy Project, EU Banana AID are a few good examples.
[4] Operation Grow (1972-1980), Operation PRIDE 1996, National Land Policy 1996, Relocation 2000, and the National Housing Project 2003.
[5] International Land Systems has been hired by the European Union through the Banana AID program to provide its LRS EMS module to the NLA to enable better management of state land. This contract will run through 2011.
[6] Particularly as it relates to smaller numbers of sub divisions where the incentives especially after decentralization of tax collection mean most parties (including local government) are all in favor of keeping subsequent parcels "off record".
[7] This tender was cancelled in December 2010 after no bids were received. It is unclear what will be done in this area by IADB.

interventions of media and town hall meetings with the general populace. By leveraging existing NLA budget funds and the IADB work USAID could see a multiplier effect for any funds it may provide.

2. Fund a web based online forms with digital survey submittal portal to make it easier for public citizens and the private sector to apply and process land transactions. The European Commission through contract 2009/205764[8] has already recommended and provided specifications for such a system. The use of this document could streamline procurement through USAID/PRIDE. Such a system could include the online submittal of digital surveys online allowing a more streamlined processing of property surveys[9], reducing data conversion time, speeding up searches, and improving the overall number and accuracy of properties in the title registry.
3. Provide assistance to LAMP II through public education but also the provision of a modest amount of technology. This could include independent surveys and research[10] to ascertain concretely the benefits that may have accrued to title holders as well as the real disincentives to entry into the registry (both for initial and subsequent registrations). This would prove particularly useful as there is little if any baseline data and much in the way of "facts" related to the purported inefficiency of land registration in Jamaica is anecdotal[11],
4. Provide consulting assistance in reviewing and streamlining the business processes within the NLA, especially within surveying and mapping,
5. Provide consulting assistance in the form of modern legislative land law drafting including presentations to the Bar Association and other related organizations or bodies,
6. Assist the NLA with provision of web services software to allow integration of the current Land Registry System with the LandVal system, and
7. Provide assistance to digital data conversion for Land Valuation paper records.

Table 1: Summary of Recommended USAID Land Engagements under PRIDE

Recommendation	Estimated LOE (Days)	LOE Cost	ODC	Total
1. Public Education/Awareness	102	$57,456	$42,777	$100,233
2. Online Forms	230	$152,646	$104,296	$256,942
3. LAMP II Support	64	$32,000	$66,053	$98,053
4. NLA Business Process Streamlining	55	$32,237	$17,477	$49,714
5. LandVal system Web Service Integration	35	$28,072	$7,301	$35,373

[8] Improving Land Market Efficiency and Increasing Land Security in the Banana Parishes of Jamaica, November 2009, Final Report, Woodcock, P.
[9] Currently the single largest bottleneck in processing at the NLA is the conversion and checking of property surveys.
[10] This might be of interest to USAID/Washington but could inform the discussion in Jamaica.
[11] The Private Sector Organisation Of Jamaica, Discussion Paper For National Planning Summit, November 2-4, 2007, p. 9, Reform Of Land Titling In Jamaica, Wayne Chen.

Recommendation	Estimated LOE (Days)	LOE Cost	ODC	Total
6. Legislative Drafting Assistance	60	$53,998	$20,749	$74,737
7. Digital Conversion Land Valuation	25	$15,472	$235,253	$250,725

Current Land Registration in Jamaica

To understand land in Jamaica is much like understanding the culture of Jamaica itself – the two are inextricably linked. Land has been and is still being used as a powerful political tool and as a result there are significant vested interests at play. Land is also one of the few assets that most if not all Jamaicans can make a claim to – whether by ownership, use or occupation.

Jamaica is managed by two land systems – a deed recording system and a Torrens title registry system. The deeds recording system is housed in Spanish Town and is still used to record deeds of sale and transfer of real property between parties. In 1888 Jamaica enacted a Torrens title registry system one of a few countries at that time outside of Australia to do so. Much is made of why Jamaica adopted the Torrens system so early with one school of thought claiming that it was due to events that eventually led to Morant Bay rebellion of 1865. During 1865 several peasants in St Ann's had petitioned Queen Victoria for land on which to work as there was none available. Further in October 1865 a former slave was tried and jailed for land squatting on an abandoned plantation. Four days later Paul Bogle led the rebellion itself. Land was also at the fore when the universal right of suffrage was introduced in Jamaica in 1944 prior to which only land owners could vote.

Most other British colonies did not adopt the Torrens system (or a modified form of it) until the late 1950's early 1960's when versions of the Torrens system implemented in Kenya made its way through the British Colonies. Both the Cayman Islands and the Turks and Caicos implemented their modified Torrens systems in the early 1960's during which time the Bahamas also prepared to do so but eventually backed away.

The Torrens system of land registration is named after Sir Robert Torrens a surveyor from South Australia who devised a simplified method of conveying land and maintaining the information in a title registry. The purpose of the system was to create a simple and easy to use system by which any person could convey property. It also required the demarcation of property boundaries through survey details of which were placed onto the title. Importantly the title that is created through registration is considered to be indefeasible and elements of the title guaranteed by the State. As a result it puts a burden on government to have enough qualified staff, up to date data, and excellent systems by which to assume that liability. It also allows the Government to ascertain all rights and restrictions on real property and to guarantee the ownership of the real property in question.

Her Majesty's Land Register of England and Wales treats events such as transfer, sale, mortgage issuance, mortgage discharge etc. as "trigger" events requiring property to move from the Deed system into the Title System. This has proven highly effective since it was implemented over the last 8 years but still only approximately 60% of the land is under title. To speed up the process HMLR has lowered fees and taxes in an effort to incentivize more participation.

Versions of the Torrens title system and related land title systems exist throughout much of the world and they are credited with being easy to use and having low costs associated with their use. In many cases the Torrens registry systems have replaced and are replacing older Deeds recording systems. Currently in England and Wales there is a gradual "trigger" based method (see inset box) by which land formerly recorded in the deeds system are brought into the title registry system. Most attempts at mandatory title registration worldwide have failed and for good reason. Best practices have clearly shown that a system of incentives to register is always more effective than one loaded with disincentives.
The Torrens system of title registry is now widely recognized worldwide as being an extremely effective and equitable form of registering land and many countries are actively moving towards it.

Jamaica has approximately 1.1 million parcels of land of which currently 553,105 have titles under the registry system. Of those 1.1 million parcels 40,000 are government land and of those 15,000 are Crown Land Parcels. The NLA estimates that approximately 50% of all of these 1.1 million parcels are in fact registered and freely admits that this number should be higher. Registration of property into the title system is not mandatory and only one "trigger" event causes land to be brought into registration – and that is a transfer event. However, the reality is that a large proportion of transfers do not get registered and some are still recorded[12] at the register of deeds in Spanish Town.

Jamaica National Land Policy
"July 1996. Policy recognizes the finite nature of Jamaica's land resources and the need to correct decades of indiscriminate use and poor development practices. The policy aims to complement socio-economic development plans and programmes including poverty eradication, whilst challenging and seeking to remove inefficient, onerous and outdated legal, administrative, management and other barriers."

The reasons titles don't represent a larger proportion or all of the properties in Jamaica have been open to much speculation. This ranges from -"it is too expensive", to "it takes too much time", to "it will mean I will pay more taxes", or even that there is a significant proportion of the population who don't feel they need to register their properties or who have no interest in leveraging their assets through loans[13]. Finally, in Jamaica as in much of the Caribbean there is a general dislike of creating wills (particularly among the male populations) which leaves many properties intestate and over time creating the issue of "generational" or "family" lands.

National Land Agency
"In 1999 under a Public Sector Modernisation Project government moved to establish Executive Agencies that were more customer focused and performance based on terms of management. Guided by the National Land Policy, one of the agencies created in 2001 was the National Land Agency (NLA) under the Ministry of Land and Environment. The NLA brought together the core land functions of Government under one roof, and includes: Land Titles; Survey & Mapping; Land Valuation & Estate

Any discussion of land in Jamaica must by necessity include the LAMP program. The Land Administration Management Programme (LAMP) II program which is currently underway and managed by the Ministry of Agriculture and Lands[14]. This is a continuation of the much maligned IDB funded LAMP project which was implemented from July 5th 2000 to April 5th, 2006. While LAMP has often been called a failure it is important to note several things:

1. LAMP was never designed as a titling program. It was designed as a cadastral mapping exercise to create 30,000 cadastral plans in St Catherine. It was not until 2003 that it was changed to become a first registration program. LAMP did in fact complete the mapping of more than 95% of the properties in question; it is just that less than 1000 titles were issued. Also of note it that it was not until 2005 that the enabling legislation was enacted to allow LAMP to issue first registrations,
2. At the same time LAMP was being implemented a new executive agency - the National Land Agency was being formed. The sheer institutional change required to bring about the NLA should not be

[12] These recordation's are in fact illegal and could cause the conveyancing attorney in question to be disbarred.
[13] This is particularly true among the older generation (i.e. in their 60's-80's) where a mistrust of debt in general abounds.
[14] A recent cabinet paper on public sector modernization advocates for moving LAMP II under the NLA for organizational and management purposes. Public Sector Master Rationalization Plan, Recommendations for the Restructuring of Ministries, Departments and Agencies, Public Sector Transformation Unit, Cabinet Office, July 2010, Jamaica.

underestimated. It began work as a new agency in April of 2002 and for much of the first three years was completely consumed in changes to human resources, civil service status, pay grades, fee collection, data and IT systems etc. – notwithstanding the significant resistance to change from the former department's now under one roof. At the same time then that LAMP was supposed to be producing the new titles in St Catherine a newly formed NLA was the agency trying to absorb these requests for new titles and performing the research necessary to issue them.

The Government is continuing with the LAMP concept - now known as the LAMP II program and has according to its staff issued approximately 900 titles since the IDB funded program finished in 2006. The LAMP program also is pushing to use the existing 2005 legislation to make all of Jamaica a "LAMP district". This would allow it to bring some innovative features to bear, these are:

1. The use of temporary title referees paid on a flat fee basis (this would be particularly effective if larger quantities of titles can be processed by each referee allowing costs to come down further). These referees also would solve a human resource constraint at the NLA namely the lack of title referees (they should have eight and they currently only have three on staff).
2. Removal of transfer and stamp duties for LAMP first registrations and the reduction of the property valuation tax,
3. Use of qualified titles and adverse possession of 12 years as proof of ownership. The LAMP project is currently getting more than 90% approval, and
4. Temporary work force to deal with large "spikes" of batched applications which the NLA is not equipped to handle. This would mirror the experience in England and Wales where local district councils have seconded staff to the HMLR to deal with short term bursts of registrations.

The LAMP program is however underfunded and understaffed.

The Government of Jamaica has clearly recognized the need for improvement and change in land management and administration and the frustration of its poorer citizens in gaining clear title to land. Government has worked hard to address the difficult and complex issues of land administration in Jamaica. Recently it has created a sub-committee called the Land Titling Expert Team under the National Planning Summit that is made up of both public and private sector representatives. This sub committee meets regularly (once a week at present) and has the highest level of focus and support from Government. This clearly demonstrates an environment where Government and its lead institution and program - the National Land Agency (NLA) and LAMP II, are engaged and are implementing self funded programs. This offers a good basis from which to leverage a multiplier effect with focused USAID funding. It is our further recommendation that the NLA and the LAMP II program be the primary beneficiaries of any USAID assistance in land.

Our suggested approach to USAID/Jamaica is that engagement in the land sector should seek the following three goals:

1. Increasing the number of titles on the registry,
2. Reducing the time taken to put a title on the registry, and
3. Reduce/remove the disincentives to registration and instead incentivizing the public to come onto the register.

We recommend the following possible engagements to be considered and provide broad level budget estimates:

1. Engage the private, public and NGO sectors. Provide additional support to the existing NLA yearly public awareness and outreach and work with the selected consultants implementing the IADB funded public awareness program[15] to design and implement a public awareness and education campaign. USAID involvement could involve additional assistance in procuring more radio and television spots as well as the production of pamphlets and other educational material for the NLA in use with town hall meetings. Provide training/outreach to the surveyors to assist them in using the new GPS/CORS system. Estimated budget $100,500,
2. Remove disincentives to land registration and increase number of incentives. This would include provision of online forms with a digital survey submittal portal. Estimated budget $257,000,
3. Provide support to LAMP II. Provide easy to use document management system to secure LAMP records. Conduct research to establish baselines to determine before and after effect of providing titles under LAMP II. Estimated cost $98,053,
4. Revise current business procedures in Survey and Mapping and implement additional cadastral technology. Estimated budget $49,714,
5. Assist the NLA with provision of web services software to allow integration of the current Land Registry System with the LandVal system. Estimated budget $35,373,
6. Provide input for legislative reform on laws affecting land. Provide these inputs through the Sub Committee on Land Policy and Development and in working with the Bar Association. Estimated budget $74,737, and
7. Assist the NLA with conversion of digital data files currently stored at Land Valuation. Estimated budget $250,725[16].

Engage the Private & Public Sectors and LAMP II

The Surveyors and Bar associations are two key private sector groups that must be engaged in any process of change and modernization of land titling in Jamaica. Often times the relationships between these groups and the government agencies such as the NLA have been fractious and well intentioned changes have been held back because of an inability to present and reach consensus on change. For example, representatives of the private sector felt that in recent times great strides had been made at the Titles Office but not enough was being done on the Mapping and Survey side. Build on the IDB and NLA public awareness and education campaigns. Fund additional radio and television spots as well as town hall meetings. This could include but not be limited to using agricultural banks (the so called PC Banks), churches, and the professional associations. Particular note should be made of the need to educate Jamaicans to create a

[15] Recently six firms were shortlisted with proposals being due in late November. Expected completion of this work is mid 2011 assuming the procurement is not cancelled.

[16] This program may be better suited to an intervention from the EU or IADB but it is a topic of clear concern for the NLA. This number represents approximately 25-30% of the total documents needing conversion and therefore we recommend that this be focused on priority documents should this activity be engaged.

living will[17] which helps cut down on the creation of "family land"[18]. The Surveyors association should be engaged in training and outreach workshops that present the business case for using RTK GPS with the newly established CORS network. The association should be also engaged to get buy in for the idea of submitting digital survey plans to a web site to be hosted by the NLA (see further discussion).

LAMP II could be provided with technical assistance in the following areas:

a) Provide an easy to use document management system for scanning and indexing all applications and title records which are all currently in paper form. It will also enhance the security and retention of the records,
b) Conduct up to 1000 interview surveys of persons in St Catherine and elsewhere to ascertain in concrete terms the benefits (including access to credit) that they have or have not realized as a result of having a title.

Revise Procedures in Surveying and Mapping at the NLA

In many discussions with government and private sector there is a feeling that there have been enough studies and reviews and that what is really needed is assistance with implementation. We recommend a detailed diagnostic of existing business procedures and a re-engineering of procedural bottlenecks - particularly within surveying and mapping. For example:

a. Allow the registration of title by metes and bounds using ortho photography and/or high resolution ortho resolution satellite imagery. There are two ways in which to bring property onto the register in Jamaica – registration by metes and bounds and registration by survey. Registration by survey is currently time consuming and expensive yet effective. Registration by metes and bounds refers to an old method of describing property boundaries in textual form – such as "all that lot of land running 120 feet at a bearing of 135 degrees from the intersection of Old Tree and Persimmon Lane….etc". This description while legally acceptable has led to great confusion in recent times when actually trying to place the property into a cadastral map showing all property boundaries. It invariably leads to overlapping boundaries when the properties are eventually surveyed. By creating the property boundary by "digitizing" the boundary as seen on the aerial photograph (the general boundary concept) a set of accurate coordinates can be generated while the mapping software can actually generate a textual description that suits the metes and bounds requirements. Staff at the NLA were open to this idea and it was felt that at least 30% of the remaining 50% of non titled lands might be captured in this way.
b. Review and improve the processes and technology at the Plan Comparison and Plan Calculation stages at the Survey and Mapping section of the NLA. Major improvements

[17] Many Jamaicans will not create wills – either due to a fear of passing away shortly after, or because they don't want to expose to family all of their assets. The NLA has been holding a series of town hall meetings to educate people on the need to get wills issued and land titled.
[18] Family land refers to land that might be titled but the title holder dies leaving the will intestate and multiple heirs claiming portions of the land. Over time the land might be parceled out but not registered creating significant issues on the title as have been found recently in Kitson Town.

have been made in reducing the plan comparison process down from 6 months in 2001 to 28 days by June of this year. However, it is agreed that this could be reduced by half to 14 days and half of the staff moved from plan comparison to calculation. Software which would allow more automated procedures for compiling and comparing survey plans in the cadastral fabric should be sought as well as a review and revision of the procedural workflow at comparison and calculation.

c. Require survey plans to be provided in the national mapping system of Jamaica. The NLA has worked aggressively to implement a requirement to have all survey plans created in the Jamaica national Grid. Until very recently there has been no requirement to do this and as a result there have been "floating" surveys registered at the NLA. This makes it difficult and time consuming for the NLA to place search survey into its correct position in space and to create an overall cadastral map of the country. This adds significant time and cost to the process. By requiring all survey plans to be in the national mapping system it will reduce the time and cost to register the plan and title.

It should be noted that the NLA has already:

1. implemented a modern registry and cadastre system and has digitized more than 50% of the cadastral map records[19]
2. Digitized more than 95% of its existing title records,
3. Created a modern and effective web site allowing the search of applications as well as current status of titled lands,
4. Make significant improvements in reducing the time to issue titles from more than 3 years in 2002 to less than 4 months on average by 2009., and
5. Implemented an online forms submission program.

By judicious use of resources in these targeted areas, USAID could contribute significant additional reductions in time and potentially cost.

Legal Reform

Only the 2005 reform to Registration of Titles Act to allow LAMP (the Special Provisions or LAMP Act) procedures is the main modification otherwise the Law stands largely untouched since 1888 and 1946. Much work has been done in this area already and the NLA and Bar Association have a good idea on what changes are needed. Provision of a specialized input of three to four weeks of a Commonwealth land lawyer chosen in consultation with the NLA and Bar Association that could provide specific implementation details on how to enact the needed changes would be useful. Some of the specific items that could be dealt with as part of the review and engagement with the Bar Association could be:

1. Allow the registration of property using the Qualified Title process. This allows person who occupy and/or claim land to bring it forward onto the title register. The registry does not provide indefeasible guarantee against those claims prior to the registration but it has been in existence

[19] The BIZCLIR report is outdated in referring to a CIDA project at the NLA. The last CIDA project at the NLA or precursor departments was in the late 1990's. The NLA has since invested in digitizing systems starting in 2002 and has completed scanning and indexing of more than 95% of all title records starting with the most active. Hence, there is no need to provide assistance in this area.

since 1888 and is used extensively in other jurisdictions (in Malaysia more than 70% of all title land is qualified land). The NLA admits they don't use Qualified Titles as much as they could and the public does not understand they have this option. The Qualified Title also has the benefit of "ripening" into Absolute Title after a time period set by the referee who issues the Qualified Title. By default this would be 12 years to match the adverse possession, but the NLA has suggested this is far too long and references the Facility for Titles Act of 1955 which allows for a maximum of seven years.

2. Use the Facility for Titles Act of 1955. According to the NLA this law is not well understood by the legal or financial communities yet offers an existing law by which innovative procedures could be brought to bear. Originally designed as a way in which persons who could not prove title to land could acquire mortgages from people's banks or agricultural banks, it allows these banks and the National Housing Trust to issue a certificate of compliance. An applicant would show evidence from neighbors that they had occupied the land for seven years or more and the financial institution would investigate in the field and make postings etc. Once the certificate of compliance is issued the recipient now has an indefeasible title. Further, the recipient can take this certificate to the registrar of titles and receive an Absolute Title for 500 Jamaican dollars and NOT be subject to transfer or stamp duty or succession duties. Yet this law has not been used as the financing institutions in actuality conduct a full title search similar to the land registry, offering no benefit to the applicant. By working with the Minister expansion of the list of institutions that can use this law to include building societies (it would require a decree from the Minister only) and others should be sought.
3. Remove the requirement to create memorized certificates of title and instead allow a single certificate of title to be generated by the existing LRS system. Currently the old paper version of the Torrens certificate is used, where a book is kept for each property and each transaction is "memorialized" physically in it. This is an extremely time consuming process and can be replaced by a computer generated certificate of title that takes seconds as opposed to hours if not days[20]. The current LRS system at the NLA is currently capable of generating this certificate of title.

[20] The need for originals each time is time consuming and costly. Work with the sub-committee and the Bar Association to remove this requirement and allow the system generated Certificates of Title to be used would be a major step forward.

Incentives/Disincentives to Registration

Best practices worldwide show that systems designed around incentivizing use is more effective than those that try to legislate or mandate their use. Currently the costs associated with first registration in Jamaica are too high. The BIZCLIR report estimated that 13% of the consideration is paid in "closing costs". This is probably too low as it does not consider the costs of lawyers.
The main cost associated with first registration of the property is related to Stamp Duty and Transfer taxes. The Government has also realized this and as of August 1 2009 it lowered the fees from 4.5% to 3% and from 5% to 4%, respectively – effective immediately.

This shows that Government recognizes fees are too high and represents a continued ability to focus on the following:

1. Using the laws enabling LAMP to declare all of Jamaica a LAMP district waiving the stamp and transfer taxes for first registration,
2. Removing the need to pay back ad valorem taxes on unregistered properties for the last 7 years (something that was a major hindrance to LAMP registering more properties). Convince the Ministry of Finance (who collect this tax) to remove this requirement for first registration – showing that taxes will increase as a result of having a larger tax base with more up to date information. Studies worldwide have shown that the reduction or removal of this tax for first registration significantly increases the overall tax base. By removing this requirement to pay taxes PRIOR to issuance of title we also get rid of one of the major impediments of persons wanting to register their land require the digital submission of survey plans.
3. Provide an online forms portal. Currently the NLA provides much information and service to its clients and staffs via its website http://www.nla.gov.jm/forms_LRSeForms.asp.As part of this service is the provision of official forms for users to complete, print and sign by the respective parties. The NLA has recognized deficiencies in the existing online forms and service and wants to capture all relevant information required by the respective transaction, reduce the number of dropped lodgments that's cause by typographical errors and error of omission when the forms are being complete by the customers. And finally to reduce the length of time the customer has to stay in queues while their transactions are being processed. The NLA has developed a proposed LRS Online Forms System (OFS) specification that would replace the existing system thus capturing all relevant. Terminals providing on line access to the system could be established in each of the Parish Land Offices as well as the Regional Office of the National Land agency in Montego Bay (St. James Parish) and staffed to provide a service to those groups that are neither (i) computer literate, nor (ii) able to access on line facilities otherwise. These computers could be provided by the NLA.
4. Providing an online survey plan submittal sub-system as part of the online forms (OFS) would allow easy access for the private surveyors of Jamaica to upload their survey plans. Currently the survey plans are created digitally by surveyors and then sent in paper form to the NLA. The NLA calculation staff then have to re-create these survey plans into digital form and check that they are correct. By having the plans in digital format to start with significant time and resources can be saved. It is recommended that in return for the provision of the web software that the NLA incentivize the surveyors so that they will voluntarily use the system. Further

recommend a reduction in search fees of a significant percentage (i.e. 50%) for all those that submit digitally.

5. Lowering search fees for surveyors conducting research on properties being registered for the first time to a single fee (as part of access to searching properties at lower rates),
6. Reducing fees to surveyors for those that submit digital plans, and
7. Providing access to the cadastral map (Cadindex and CADMAP at the NLA) to other government agencies at no charge to be used for planning and research purposes.

Land Valuation

The NLA has requested assistance for the conversion of existing paper records held at land valuation and the provision of a technology known as a web service to allow integration between their LRS registry system and the land valuation technology. This would provide significant time and cost savings to the NLA if it could be realized. Annex I provides more details on the nature of the documents and the type of conversion needed. A quote from a qualified local company for the data conversion part of this work is estimated at USD $230, 000 for a limited number of priority records at Land Valuation (approximately 20-30%).

Annex Land Valuation Conversion Data

It is estimated that there are **600,000** paper Case Files at the Land Valuation Department of the National Land Agency (NLA) with an average of 13 pages per case. In total there exist approximately 7.8 million pages that are required to be scanned excluding the Roll Book. The Roll Book consists of print outs from the current Land Valuation system which calculates the basis for the property tax bill.

Each Case File can consists of one of six different document types as listed below and can contain different page sizes ranging from legal (majority) to smaller off size approx 4" by 8". Scanning in Black and white, single sided. All documents appear to be loose leaf in the folder with no stapling or binding. Condition of the last 20 years appears to be good, the older the document past that date the more deterioration is noted.

Document Types

1. Objection Case
2. Transfer of Whole Case
3. Transfer of Part Case
4. Omission Case
5. Error Case
6. Roll Book
7. Adhoc Case

#	Document Type	Size (Size)	Average pages	Total by Document Type	Est. Total Number of Pages	Index fields	Priority
	Objection Case	Legal	12	120,000	1,440,000	Case number e.g. 2009-F-OM-00033, Valuation Number, Region, Parish	High
	Transfer of Whole Case	Legal	15	120,000	1,800,000	Case number e.g. 2009-F-OM-00033, Valuation Number, Region, Parish	High
	Transfer of Part Case	Legal	15	120,000	1,800,000	Case number e.g. 2009-F-OM-00033, Valuation Number, Region, Parish	High
	Omission Case	Legal	15	120,000	1,800,000	Case number e.g. 2009-F-OM-00033, Valuation Number, Region, Parish	High
	Error Case	Legal	7	120,000	840,000	Case number e.g. 2009-F-OM-00033, Valuation Number, Region, Parish	High
	Roll Book	Letter	500	1,630	815,000	Valuation Number -1	Low

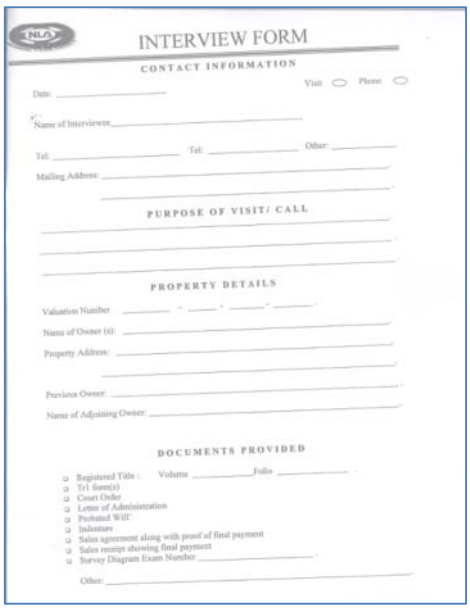
						Valuation Number -2	
	Adhoc Case	Legal	20	4,000	80,000		
otals				605,630	8,575,000		

	# Docs	Avg No of Pages per Document	Total No of Pages
Priority Area: Central Region.	150,000	13	1,950,000

National Land Agency
LAND VALUATION DIVISION
Northern Region
Inspection Report

Date of Inspection: _____ Valuation No.: _____
Purpose of Visit: _____
Name of Owner/Person in Possession: _____
Contact No.: _____ Length of Occupation: _____
Title Reference: _____
Utilities & Services Available: _____
Area Analysis: _____
Location and Boundaries: _____
North: _____
South: _____
East: _____
West: _____
Physical Characteristics: _____

Figure 1 Inspection Report



INTERVIEW FORM

CONTACT INFORMATION

Date: _____ Visit ◯ Phone ◯
Name of Interviewee: _____
Tel: _____ Tel: _____ Other: _____
Mailing Address: _____

PURPOSE OF VISIT/ CALL

_____

PROPERTY DETAILS

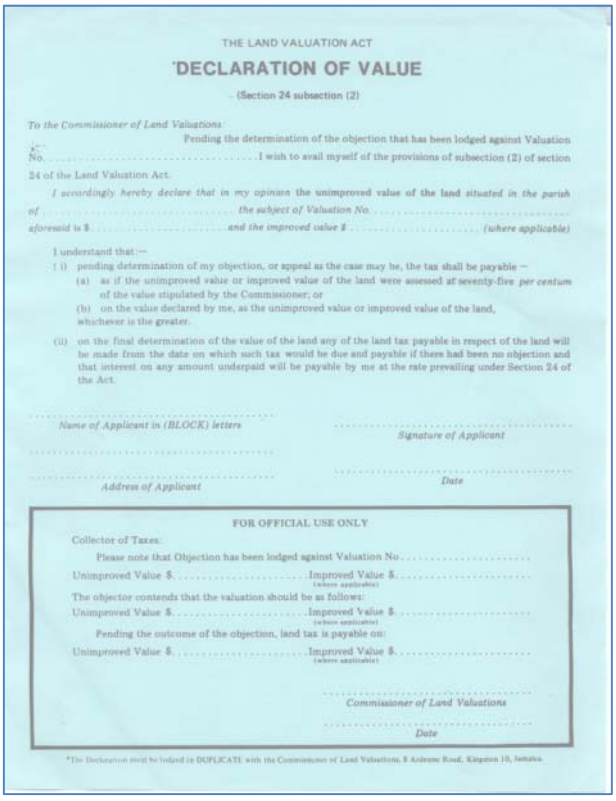
Valuation Number _____ - _____ - _____ - _____
Name of Owner (s): _____
Property Address: _____
Previous Owner: _____
Name of Adjoining Owner: _____

DOCUMENTS PROVIDED

- ☐ Registered Title : Volume _____ Folio _____
- ☐ Tri form(s)
- ☐ Court Order
- ☐ Letter of Administration
- ☐ Probated Will
- ☐ Indenture
- ☐ Sales agreement along with proof of final payment
- ☐ Sales receipt showing final payment
- ☐ Survey Diagram Exam Number _____

Other: _____

Figure 2 Contract Review



THE LAND VALUATION ACT

DECLARATION OF VALUE

(Section 24 subsection (2)

To the Commissioner of Land Valuations:

Pending the determination of the objection that has been lodged against Valuation No. ..... I wish to avail myself of the provisions of subsection (2) of section 24 of the Land Valuation Act.

I accordingly hereby declare that in my opinion the unimproved value of the land *situated in the parish of* ..... *the subject of Valuation No.* ..... *aforesaid is $* ..... *and the improved value $* ..... *(where applicable)*

I understand that:—

(i) pending determination of my objection, or appeal as the case may be, the tax shall be payable —
- (a) as if the unimproved value or improved value of the land were assessed at seventy-five *per centum* of the value stipulated by the Commissioner; or
- (b) on the value declared by me, as the unimproved value or improved value of the land, whichever is the greater.

(ii) on the final determination of the value of the land any of the land tax payable in respect of the land will be made from the date on which such tax would be due and payable if there had been no objection and that interest on any amount underpaid will be payable by me at the rate prevailing under Section 24 of the Act.

..... *Name of Applicant in (BLOCK) letters*

..... *Signature of Applicant*

..... *Address of Applicant*

..... *Date*

FOR OFFICIAL USE ONLY

Collector of Taxes:

Please note that Objection has been lodged against Valuation No. .....

Unimproved Value $. ..... Improved Value $. ..... (where applicable)

The objector contends that the valuation should be as follows:

Unimproved Value $. ..... Improved Value $. ..... (where applicable)

Pending the outcome of the objection, land tax is payable on:

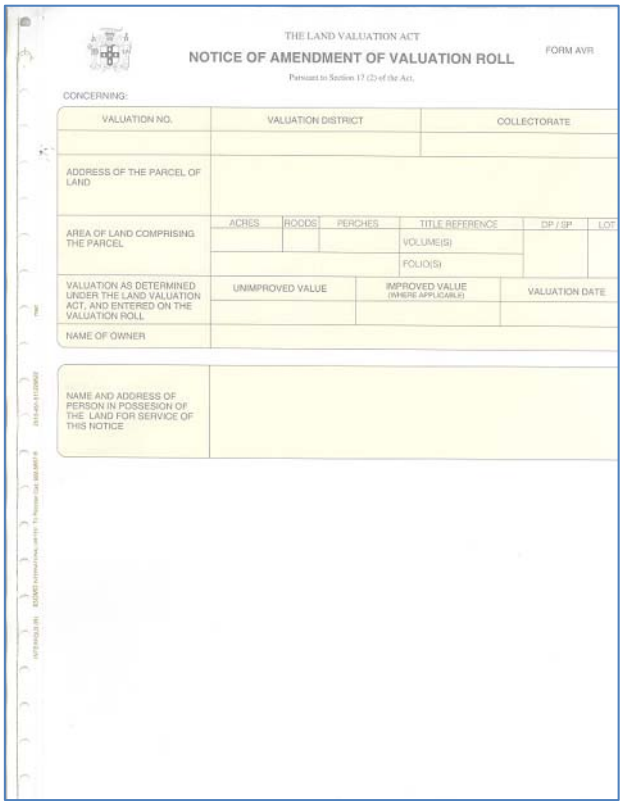
Unimproved Value $. ..... Improved Value $. ..... (where applicable)

..... *Commissioner of Land Valuations*

..... *Date*

*The Declaration must be lodged in DUPLICATE with the Commissioner of Land Valuations, 8 Ardenne Road, Kingston 10, Jamaica.

Figure 3 Declaration Form



THE LAND VALUATION ACT

NOTICE OF AMENDMENT OF VALUATION ROLL

FORM AVR

Pursuant to Section 17 (2) of the Act.

CONCERNING:

VALUATION NO.	VALUATION DISTRICT	COLLECTORATE

ADDRESS OF THE PARCEL OF LAND						
AREA OF LAND COMPRISING THE PARCEL	ACRES	ROODS	PERCHES	TITLE REFERENCE	DP / SP	LOT
				VOLUME(S)		
				FOLIO(S)		

VALUATION AS DETERMINED UNDER THE LAND VALUATION ACT, AND ENTERED ON THE VALUATION ROLL	UNIMPROVED VALUE	IMPROVED VALUE (WHERE APPLICABLE)	VALUATION DATE
NAME OF OWNER			

NAME AND ADDRESS OF PERSON IN POSSESION OF THE LAND FOR SERVICE OF THIS NOTICE	

Figure 4 Notice of Amendment

THE LAND VALUATION ACT

NOTICE OF DECISION OF COMMISSIONER

FORM C6

CONCERNING:

VALUATION NO.	VALUATION DISTRICT	COLLECTORATE

ADDRESS OF THE PARCEL OF LAND

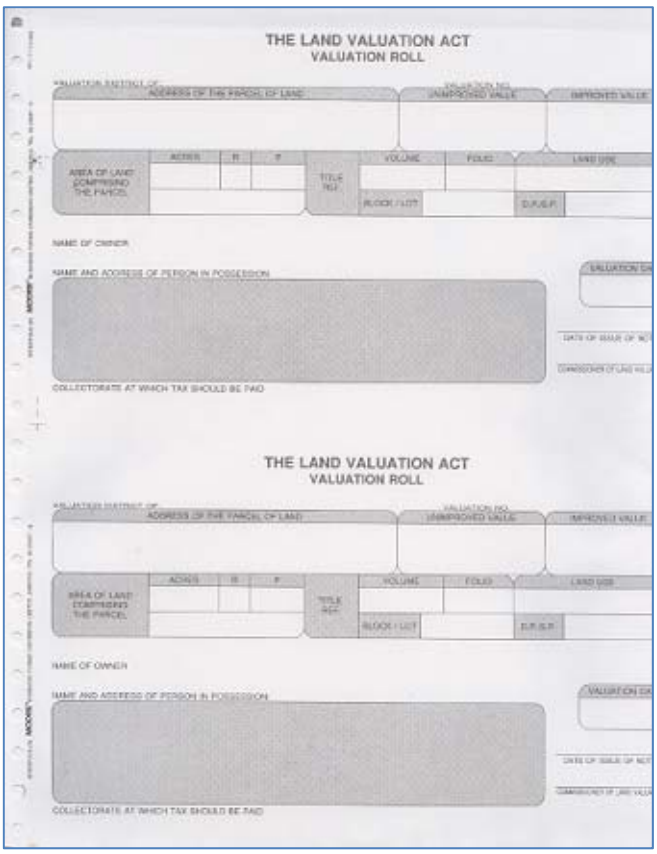
AREA OF LAND COMPRISING THE PARCEL: ACRES | ROODS | PERCHES | TITLE REFERENCE: VOLUME(S), FOLIO(S) | DP / SP | LOT

VALUATION AS DETERMINED UNDER THE LAND VALUATION ACT, AND ENTERED ON THE VALUATION ROLL: UNIMPROVED VALUE | IMPROVED VALUE (WHERE APPLICABLE) | VALUATION DATE

NAME OF OWNER

NAME AND ADDRESS OF OBJECTOR FOR SERVICE OF THIS NOTICE

Figure 5 Notice of Decision of Commissioner



THE LAND VALUATION ACT
VALUATION ROLL

ADDRESS OF THE PARCEL OF LAND | UNIMPROVED VALUE | IMPROVED VALUE

AREA OF LAND COMPRISING THE PARCEL: ACRES | R | P | TITLE REF: VOLUME | FOLIO | LAND USE | BLOCK / LOT | D.P./S.P.

NAME OF OWNER

NAME AND ADDRESS OF PERSON IN POSSESSION

COLLECTORATE AT WHICH TAX SHOULD BE PAID

THE LAND VALUATION ACT
VALUATION ROLL

ADDRESS OF THE PARCEL OF LAND | UNIMPROVED VALUE | IMPROVED VALUE

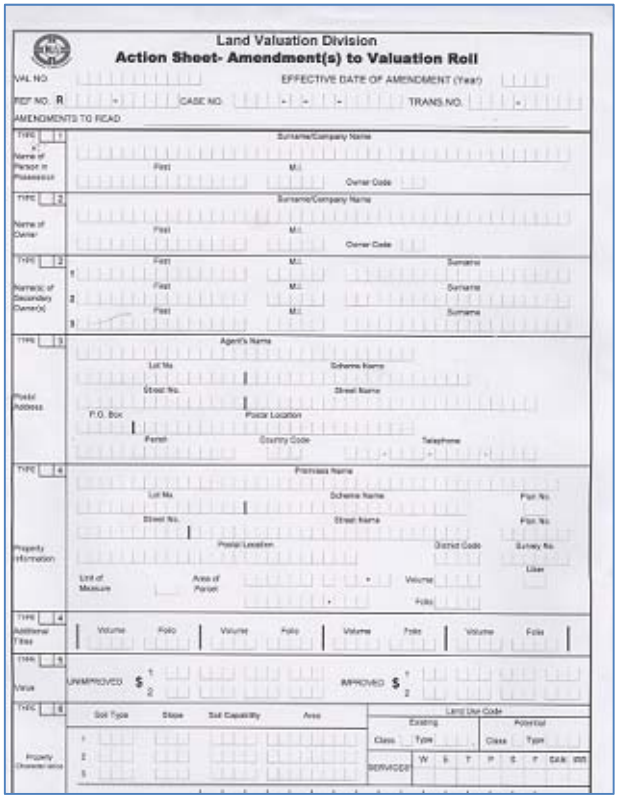
AREA OF LAND COMPRISING THE PARCEL: ACRES | R | P | TITLE REF: VOLUME | FOLIO | LAND USE | BLOCK / LOT | D.P./S.P.

NAME OF OWNER

NAME AND ADDRESS OF PERSON IN POSSESSION

COLLECTORATE AT WHICH TAX SHOULD BE PAID

Figure 6 Valuation Roll



Land Valuation Division
Action Sheet- Amendment(s) to Valuation Roll

VAL NO. | EFFECTIVE DATE OF AMENDMENT (Year)

REF NO. R | CASE NO. | TRANS.NO.

AMENDMENTS TO READ

TYPE 1 — Name of Person in Possession: Surname/Company Name | First | M.I. | Owner Code

TYPE 2 — Name of Owner: Surname/Company Name | First | M.I. | Owner Code

TYPE 2 — Name(s) of Secondary Owner(s): First | M.I. | Surname

TYPE 3 — Postal Address: Agent's Name | Lot No. | Scheme Name | Street No. | Street Name | P.O. Box | Postal Location | Parish | Country Code | Telephone

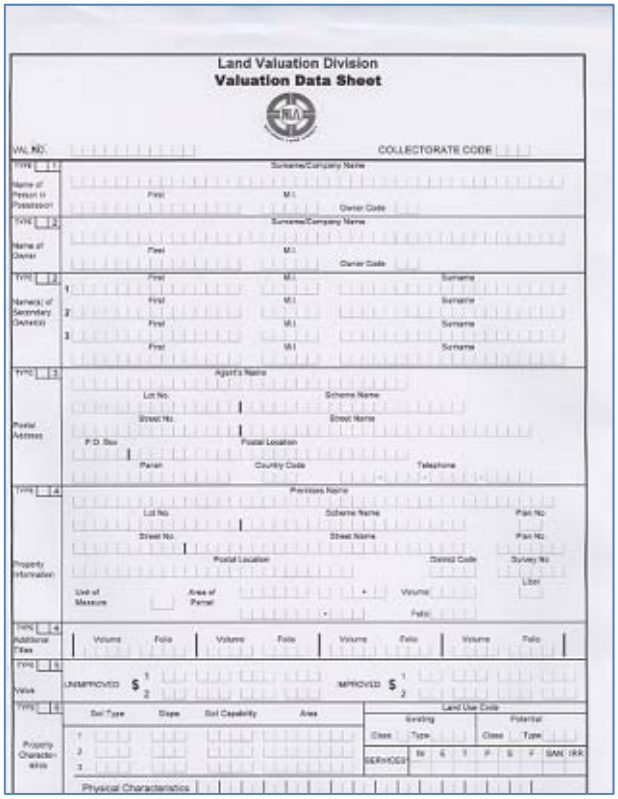
TYPE 4 — Property Information: Premises Name | Lot No. | Scheme Name | Plan No. | Street No. | Street Name | Plan No. | Postal Location | District Code | Survey No. | Unit of Measure | Area of Parcel | Volume | Folio | Liber

TYPE 4 — Additional Titles: Volume | Folio

TYPE 5 — Value: UNIMPROVED $ | IMPROVED $

TYPE 6 — Property Characteristics: Soil Type | Slope | Soil Capability | Area | Land Use Code: Existing (Class, Type) | Potential (Class, Type) | SERVICES: W | E | T | P | S | F | GAS | IRR

Figure 7 Action Sheet



Land Valuation Division
Valuation Data Sheet

VAL NO. | COLLECTORATE CODE

TYPE 1 — Name of Person in Possession: Surname/Company Name | First | M.I. | Owner Code

TYPE 2 — Name of Owner: Surname/Company Name | First | M.I. | Owner Code

TYPE 2 — Name(s) of Secondary Owner(s): First | M.I. | Surname

TYPE 3 — Postal Address: Agent's Name | Lot No. | Scheme Name | Street No. | Street Name | P.O. Box | Postal Location | Parish | Country Code | Telephone

TYPE 4 — Property Information: Premises Name | Lot No. | Scheme Name | Plan No. | Street No. | Street Name | Plan No. | Postal Location | District Code | Survey No. | Unit of Measure | Area of Parcel | Volume | Folio | Liber

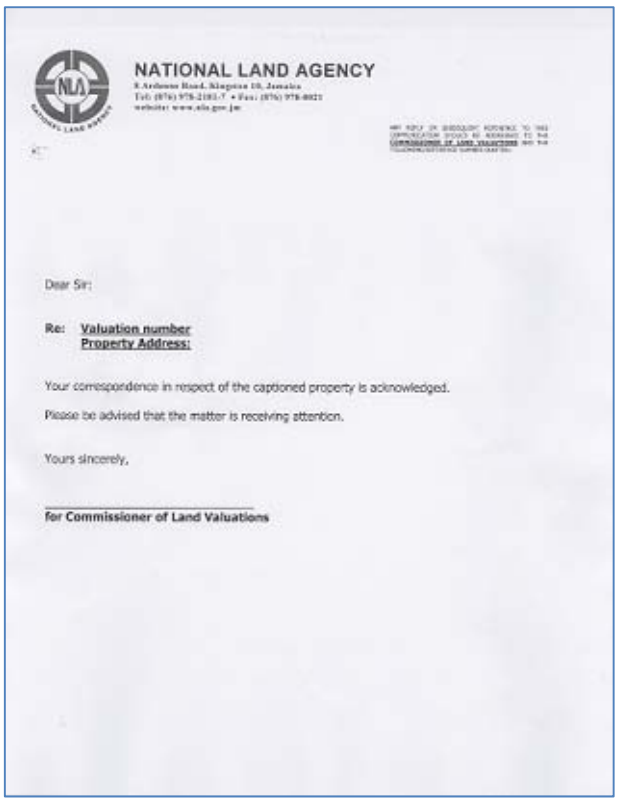
TYPE 4 — Additional Titles: Volume | Folio

TYPE 5 — Value: UNIMPROVED $ | IMPROVED $

TYPE 6 — Property Characteristics: Soil Type | Slope | Soil Capability | Area | Land Use Code: Existing (Class, Type) | Potential (Class, Type) | SERVICES: W | E | T | P | S | F | GAS | IRR

Physical Characteristics

Figure 8 Valuation Data Sheet



NATIONAL LAND AGENCY

Dear Sir:

Re: Valuation number
Property Address:

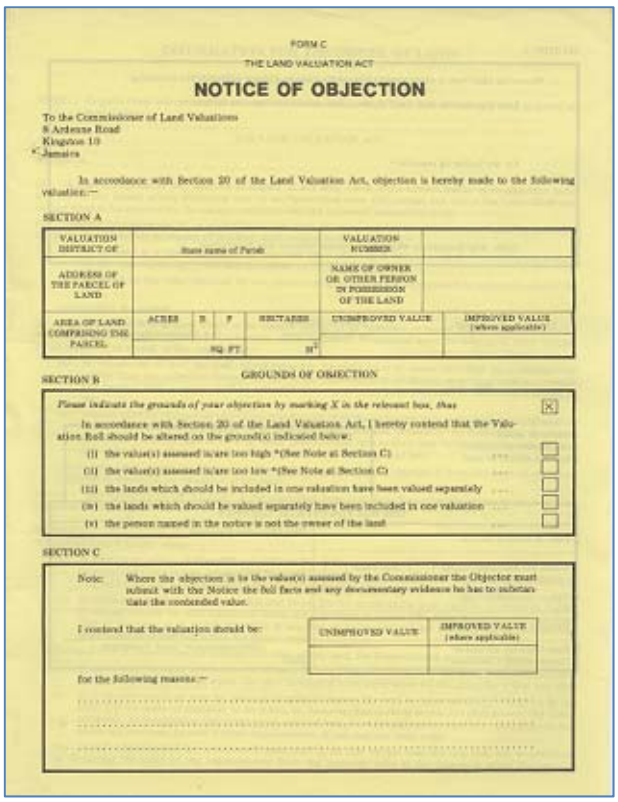
Your correspondence in respect of the captioned property is acknowledged.

Please be advised that the matter is receiving attention.

Yours sincerely,

for Commissioner of Land Valuations

Figure 9 Acknowledgment Letter



FORM C

THE LAND VALUATION ACT

NOTICE OF OBJECTION

To the Commissioner of Land Valuations
8 Ardenne Road
Kingston 10
Jamaica

In accordance with Section 20 of the Land Valuation Act, objection is hereby made to the following valuation:—

SECTION A

VALUATION DISTRICT OF	State name of Parish				VALUATION NUMBER		
ADDRESS OF THE PARCEL OF LAND					NAME OF OWNER OR OTHER PERSON IN POSSESSION OF THE LAND		
AREA OF LAND COMPRISING THE PARCEL	ACRES	R	P	HECTARES		UNIMPROVED VALUE	IMPROVED VALUE (where applicable)
		SQ. FT		M^2			

SECTION B — GROUNDS OF OBJECTION

Please indicate the grounds of your objection by marking X in the relevant box, thus ☒

In accordance with Section 20 of the Land Valuation Act, I hereby contend that the Valuation Roll should be altered on the ground(s) indicated below:

(i) the value(s) assessed is/are too high *(See Note at Section C) ☐
(ii) the value(s) assessed is/are too low *(See Note at Section C) ☐
(iii) the lands which should be included in one valuation have been valued separately ☐
(iv) the lands which should be valued separately have been included in one valuation ☐
(v) the person named in the notice is not the owner of the land ☐

SECTION C

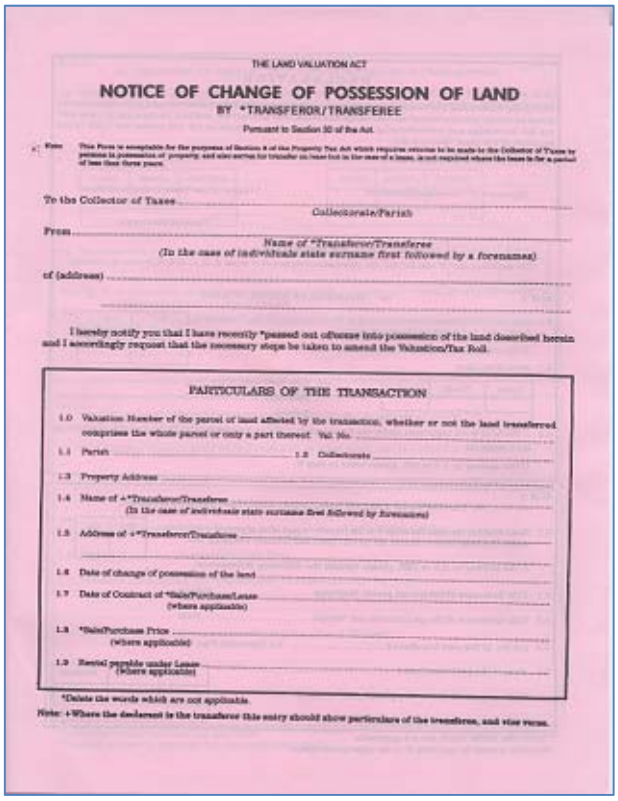
Note: Where the objection is to the value(s) assessed by the Commissioner the Objector must submit with the Notice the full facts and any documentary evidence he has to substantiate the contended value.

I contend that the valuation should be:

UNIMPROVED VALUE	IMPROVED VALUE (where applicable)

for the following reasons:—

Figure 10 Notice of Objection (4 Pages)



THE LAND VALUATION ACT

NOTICE OF CHANGE OF POSSESSION OF LAND
BY *TRANSFEROR/TRANSFEREE

Pursuant to Section 30 of the Act

To the Collector of Taxes ..... Collectorate/Parish

From ..... Name of *Transferor/Transferee (In the case of individuals state surname first followed by a forenames)

of (address) .....

I hereby notify you that I have recently *passed out of/come into possession of the land described herein and I accordingly request that the necessary steps be taken to amend the Valuation/Tax Roll.

PARTICULARS OF THE TRANSACTION

1.0 Valuation Number of the parcel of land affected by the transaction, whether or not the land transferred comprises the whole parcel or only a part thereof. Vol. No. .....
1.1 Parish ..... 1.2 Collectorate .....
1.3 Property Address .....
1.4 Name of +*Transferor/Transferee ..... (In the case of individuals state surname first followed by forenames)
1.5 Address of +*Transferor/Transferee .....
1.6 Date of change of possession of the land .....
1.7 Date of Contract of *Sale/Purchase/Lease ..... (where applicable)
1.8 *Sale/Purchase Price ..... (where applicable)
1.9 Rental payable under Lease ..... (where applicable)

*Delete the words which are not applicable.

Note: +Where the declarant is the transferor this entry should show particulars of the transferee, and vice versa.

Figure 11 Notice of Change of Possession of Land

Figure 12 Case File

Estate Management

Document Types

1. Leases Files
2. Rentals
3. Sales Files
4. Property Files
5. Applications
6. Land Settlement Files
7. Ministry Files
8. Miscellaneous Files

#	Document Type	Source (Size)	Average pages	Amount	Index fields	Priority
1.	Leases Files – (Premise leased by C.O.L. on behalf of the Govt. Agencies)	Paper - Legal	200	7000	• File Number • Property name • Property Lot Number • Parish	High
2.	Leases Files – (Leased to individual)	Paper - Legal	200	600	• File Number • Property name • Property Lot Number • Parish	High
3.	Rentals	Paper - Legal	15	TBD	• File Number • Property name • Property Lot Number • Parish	High
4.	Sales	Paper - Legal	150	TBD	• File Number • Purchaser name • Purchaser Address • Property name • Property	High

					Lot Number • Parish	
5.	Property Files	Paper - Legal	150	950	• File Number • Volume • Property name • Property Lot Number • Parish	High
6.	Applications	Paper - Legal	7			Low
7.	Land Settlements Files	Paper - Legal	75	48,700	• File Number • Allottee name • Allottee Address • Property name • Property Lot Number • Parish	Medium
8.	Ministry Files	Paper - Legal	150	500	• File Number • Volume • Description	High
9.	Miscellaneous File – (Post Offices, Police Stations, Schools etc)	Paper - Legal	100	5500	• File Number • Volume • Property name • Property Lot Number • Parish	Medium

Note. Each file consists of documents with different page sizes. They are as small as an envelope and as large as a legal size paper.

Figure 13 Sample of Estate Lease File

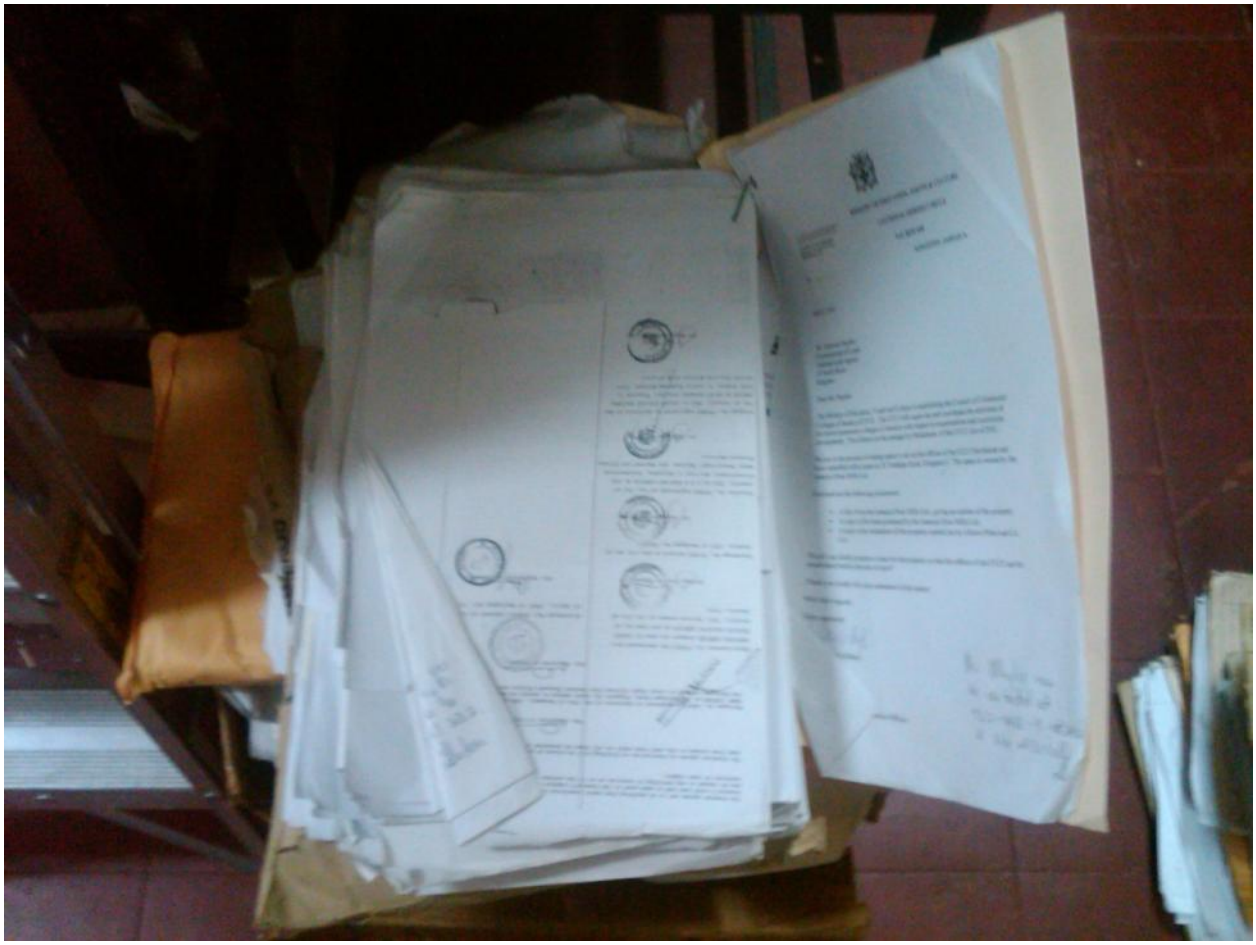


Figure 14 Estate Management General Property File

Figure 15 Estate Management Filing Cabinet

Land Titles

The Land Titles Division presently has approximately 3.6 Million Documents (Instruments) inclusive of Transfers, Mortgages, Discharges and other Miscellaneous instruments are stored in file folders, loosely or bound together (older instruments).

On average Five Thousand Two Hundred (5,200) documents are received per month from the Dispatch Section and Twelve Thousand (12,000) are received from the Scanning Unit to be filed in the Records Rooms. The shelves presently used to store these documents are approximately 230cm in height and 27cm wide.

The Land Titles Division is presently interested in scanning approximately 1 millions of its document in storage, such as mortgages and transfers.

#	Document Type	Source (Size)	Average pages	Amount	Index fields	Priority
1.	Lodgment	Paper - Legal	7	1,000,000	Instrument number	High

Figure 16 Land Titles Lodgment Files

Figure 17 Land Titles Filing Cabinets

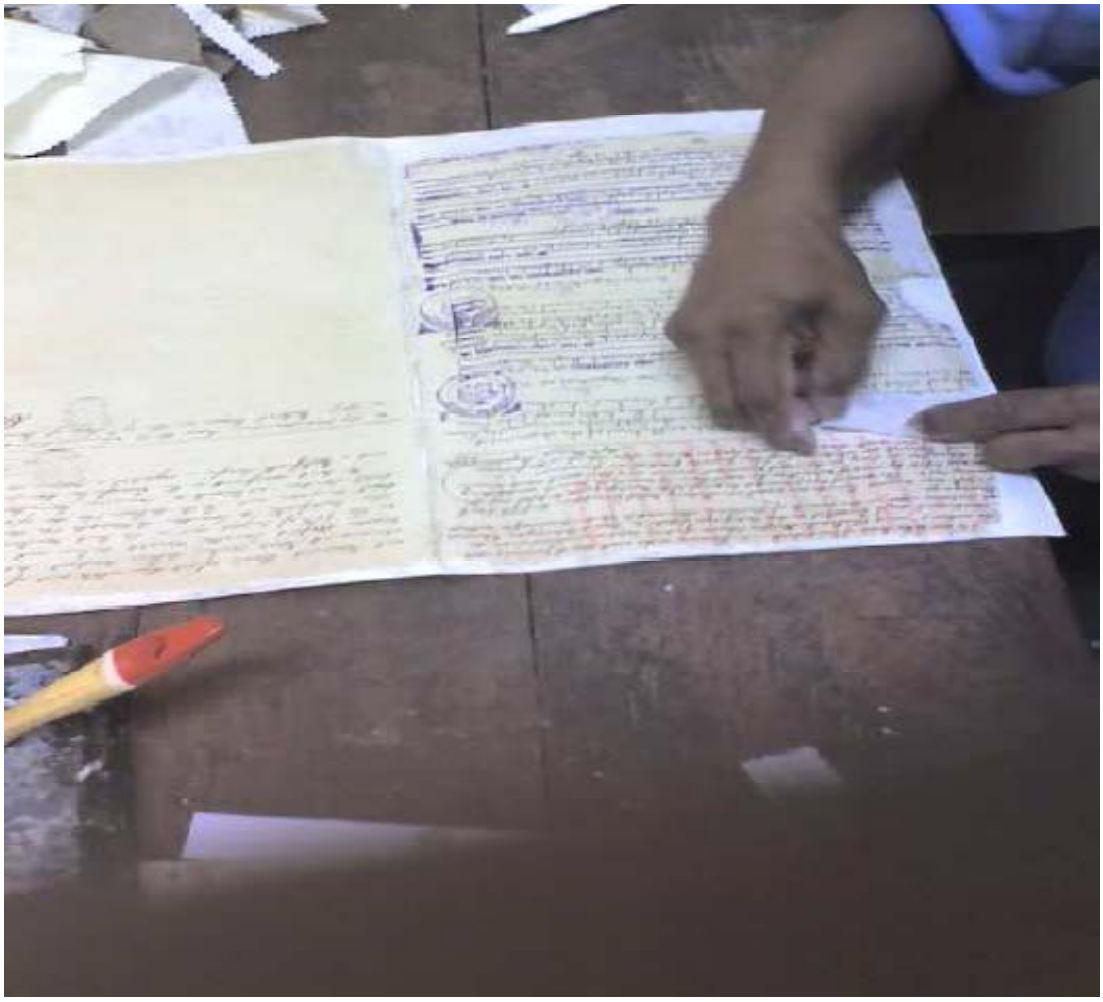


Figure 18 Land Title staff applying tape to document.

Survey and Mapping

Survey and Mapping currently stores it survey diagram on paper and those done a long time ago on microfilm. Those not already scanned are those at are currently stored on microfilm which presently stands at approximately 400,000. Each microfilm store on average 5 survey plan diagrams, base on the size of the survey plan image.

#	Document Type	Source (Size)	Average pages	Amount	Index fields	Priority
1.	Survey Plans	Microfilm	5 diagrams per microfilm	400,000 diagrams	• Plan Examination Number • Negative number	High
2.	Deposited Plan				• Deposited Plan Number	High
3.	Subdivision Plan				• Plan	High

					Examination Number • Negative number	