

THE LAWS
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REVISED EDITION

CHAPTER 131
THE PRESCRIPTION LAW

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[25th February, 1882]

Jamaica Cap. 304.
Law 65 of 1955.

Short title.

1. This Law may be cited as the Prescription Law.

Effect of twenty years' enjoyment of easements, ways, etc., over lands.

2. When any profit or benefit, or any way or easement, or any water course, or the use of any water, a claim to which may be lawfully made at the common law, by custom, prescription or grant, shall have been actually enjoyed or derived upon, over or from any land or water of Her Majesty the Queen, or of any person, or of any body corporate by any person claiming right thereto, without interruption for the full period of twenty years, the right thereto shall, subject to the provisos hereinafter contained be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

Effect of twenty years' access and use of light or air.

3. When the access and use of light or air to and for any dwelling house, workshop or other building, shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall, subject to the proviso hereinafter contained, be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose in writing.

Effect of twenty years use by the public or any class of the public of a beach and of means of access thereto.
Law 65/1955.

4. (1) When any beach has been used by the public or any class of the public for fishing, or for purposes incident to fishing, or for bathing or recreation, and any road, track or pathway passing over any land adjoining or adjacent to such beach has been used by the public or any class of the public as a means of access to such beach, without interruption for the full period of twenty years, the public shall, subject to the provisos hereinafter contained, have the absolute and indefeasible right to use such beach, land, road, track or pathway as aforesaid, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

(2) No act or other matter, whether submitted to or acquiesced in or not, shall be deemed to be an interruption within the meaning of subsection (1) if the same took place between the 8th day of February, 1954 and the 30th day of December, 1955.

Computation of time.

5. Each of the respective periods hereinbefore mentioned shall be deemed and taken to be the period before some action or suit wherein the claim or matter to which such period may relate shall have been, or shall be brought in question; and no act or other matter shall be deemed to be an interruption within the meaning of this Law unless the same shall have been, or shall be, submitted to or acquiesced in for one year after the party interrupted shall have had or shall have notice thereof and of the person making or authorizing the same.

No presumptions to be drawn from use for a less period.

6. In the several cases mentioned in and provided for by this Law no presumption shall be allowed or made in favour or support of any claim upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time, or number of years, than for such period or number mentioned in this Law as may be applicable to the case and to the nature of the claim.

Provisions in cases of persons under disabilities.

7. The time during which any person, otherwise capable of resisting any claim to any of the matters before mentioned, shall have been or shall be an infant, idiot or *non compos mentis*, shall be excluded in the computation of the periods hereinbefore mentioned, so that however in no case shall a claim to any of the matters aforesaid be liable to be defeated, by reason of anything in this section contained after such enjoyment as is hereinbefore described for the full period of thirty years.

Provisions in case of tenancies for life, or for any term exceeding three years.

8. When any land or water, upon, over or from which any such profit or benefit, way, easement, water course or use of water, shall have been or shall be enjoyed or derived hath been or shall be held under or by virtue of any term of life, or any term of years exceeding three years from the granting thereof, the time of the enjoyment of any such profit or other matter during the continuance of such term shall be excluded in the computation of the said period of twenty years, in case the claim thereto shall within three years next after the end or sooner determination of any such term be resisted by any person entitled to any revision or remainder expectant on the determination thereof.

Procedure for establishing right under section 4. Law 65/1955.

9. Where the public or any class of the public have used any beach, land, road, track or pathway in the manner specified in subsection (1) of section 4 for the period mentioned in the said subsection and such user is disputed, any person concerned in the dispute may lodge a plaint in the Grand Court (hereafter in this Law referred to as "the Court") under the Judicature (Grand Court) Law and the provisions of the said Law shall apply to the matter in dispute.

Production of documents title and procedure thereafter. Law 65/1955.

10. (1) Any person in possession of any document of title relating to any beach, land, road, track or pathway with respect to the user of which a plaint has been lodged pursuant to section 9 shall produce such document to the Court.

(2) The Clerk of the Court shall forward a certified copy of the judgment of the Court to the Public Recorder who shall forthwith record the same.

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