

M O N T S E R R A T

**LANDHOLDING CONTROL (AMENDMENT) ACT 2014**

No. 18 of 2014

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LANDHOLDING CONTROL (AMENDMENT) ACT, 2014  
NO. 18 OF 2014

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**I ASSENT**

(Sgd.) Adrian Davis  
**Governor**

DATE: 18.8.14

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No. 18 of 2014

AN ACT TO AMEND THE LANDHOLDING CONTROL ACT (CAP. 8.02).

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows—

**1. Short title**

This Act may be cited as the Landholding Control (Amendment) Act, 2014.

**2. Interpretation**

In this Act, "**principal Act**" means the Landholding Control Act (Cap. 8.02).

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**3. Replacement of “corporation” and “corporations”**

The principal Act is amended by deleting “**corporation**” and “**corporations**” wherever they appear and substituting “**company**” and “**companies**” respectively.

**4. Replacement of “person belonging to Montserrat”**

The principal Act is amended by deleting “**person belonging to Montserrat**” wherever it appears and substituting “**Montserratian**”.

**5. Replacement of “person not belonging to Montserrat” and “persons not belonging to Montserrat”**

The principal Act is amended by deleting “person not belonging to Montserrat” and “persons not belonging to Montserrat” wherever they appear and substituting “non-Montserratian” and “non-Montserradians” respectively.

**6. Section 2 amended**

Section 2 of the principal Act is amended—

(a) by deleting the definition of “**a person belonging to Montserrat**” and substituting the following—

“**“Montserratian”** means—

- (a) a person who is deemed to be a Montserratian under section 107(2) of the Montserrat Constitution Order (S.I. 2010 No. 2474);
- (b) a company incorporated in Montserrat, and to which section 15 does not apply; or
- (c) a club, society, association or other body registered in

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Montserrat, if all of the members of its governing body and more than 50% of its other members are Montserratian;

- (b) by deleting the definition of “a person not belonging to Montserrat” and substituting the following—

“**non-Montserratian**” means a person other than a Montserratian and includes—

- (a) a company incorporated in Montserrat and to which section 15 applies;
- (b) a company incorporated outside of Montserrat;
- (c) a club, society, association or other body registered in Montserrat, if any of the members of its governing body and more than 50% of its members are non-Montserratian; and
- (d) a club, society, association or other body registered outside of Montserrat,

but does not include any of the subjects or citizens of a foreign state on whom there has been conferred by treaty the right to hold land in Montserrat;” and

- (c) by inserting the following definitions in the correct alphabetical order—

“**governing body**” means a committee or board, however described, to whom the governance and management of

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the affairs of a club, society, association or other body is entrusted;

“**Minister**” means the Minister with responsibility for lands;”.

**7. Section 3 amended**

Section 3 of the principal Act is deleted and the following is substituted—

**“3. Land and mortgages held by non-Montserratians**

- (1) Land in Montserrat or a mortgage on land in Montserrat shall, after the commencement of this Act, be held by a non-Montserratian in accordance with this Act.
- (2) A non-Montserratian may acquire and hold land under a lease for—
  - (a) a term not exceeding five years;
  - (b) an annual tenancy; or
  - (c) for any less interest,for the purposes of residence, trade, or business, but the total amount of acres held shall not exceed five acres of land.
- (3) Subject to section 6, if a non-Montserratian acquires land under a will or intestacy, he shall, within one year of his acquisition of the land or within any extended time as the Governor acting in the advice of Cabinet may allow, sell the land or obtain a licence to hold the land.

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- (4) Subject to section 6, if a non-Montserratian acquires a mortgage under a will or intestacy, he is entitled to foreclose or enter into possession of the mortgaged land only if he obtains a licence to hold the mortgage.
- (5) The land or mortgage held by a non-Montserratian who fails to comply with the requirements of subsection (3) or (4) shall be forfeited to Her Majesty.
- (6) Nothing in this Act affects—
  - (a) the estate or interest of a judgment creditor in the land of the judgment debtor, but the judgment debtor's land shall be acquired by a non-Montserratian only if the non-Montserratian holds a licence granted under this Act; or
  - (b) the estate or interest of a non-Montserratian in any land or mortgage held by the non-Montserratian at the commencement of this Act.”.

**8. Section 3A inserted**

The principal Act is amended by inserting the following as section 3A—

**“3A. Exemption of husband or wife from requirement for licence**

- (1) A non-Montserratian who is married to a Montserratian is exempted from the requirement to obtain a licence to hold land as owner, tenant or mortgagee, if

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the land is to be held jointly by the married Montserratian and non-Montserratian.

- (2) A non-Montserratian under subsection (1) who intends to register a transfer of land, lease of land or mortgage under the Registered Land Act (Cap. 8.01) in his name shall submit to the Registrar of Lands—
- (a) proof of his marriage to a Montserratian; and
  - (b) proof that the marriage still subsists at the time of application for registration of the transfer, lease or mortgage.”.

**9. Section 3B inserted**

The principal Act is amended by inserting the following as section 3B—

**“3B. Application for licence under sections 4, 5 and 9**

- (1) A non-Montserratian may apply to the Minister for a licence to hold land as owner, tenant or mortgagee.
- (2) An application for—
  - (a) a licence under section 4 or 9 shall be made in Form 1 of Schedule 1; or
  - (b) a general licence or renewal of a general licence under section 5 shall be made in Form 2 of Schedule 1,

and shall be submitted to Cabinet by the Minister.

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- (3) An application under subsection (1) shall be accompanied by—
- (a) a copy of the photograph page of—
    - (i) the applicant's passport;
    - (ii) each director's passport if the applicant is a company; or
    - (iii) each member of the governing body's passport if the applicant is a club, society, association or other body;
  - (b) two recent passport size photographs of—
    - (i) the applicant;
    - (ii) each director who is a non-Montserratian if the applicant is a company; or
    - (iii) each member of the governing body who is a non-Montserratian if the applicant is a club, society, association or other body;
  - (c) a bank reference showing the applicant's financial status for at least two years immediately before the date of the application;
  - (d) two references in support of the application—
    - (i) one from a Montserratian or a person who is ordinarily resident in Montserrat for five years immediately before



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and up to the date of the application; and

(ii) one from a person who has known the applicant for at least three years immediately before the date of the application;

(e) if—

(i) the applicant;

(ii) a director who is a non-Montserratian if the applicant is a company; or

(iii) a member of the governing body who is a non-Montserratian if the applicant is a club, society, association or other body,

has been ordinarily resident in more than one country for five years immediately before and up to the date of his or its application, a statement from the relevant authorities of the countries of ordinary residence indicating that a person under subparagraph (i), (ii) or (iii) does not have a police record or stating that details of the person's police record will be provided;

(f) if the applicant is a company, the certificate of incorporation of the company, a certificate of good standing and the most recent notice of directors filed and

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- recorded at the registry of companies;
- (g) if the applicant is a club, society, association or other body, its certificate of registration;
  - (h) if the land which is the subject of the application exceeds two acres or comprises three or more parcels, a statement justifying the acquisition of the land;
  - (i) a list of the parcels of land in Montserrat owned by the applicant and the date on which the applicant acquired each parcel of land;
  - (j) in the case of an application under section 4 or 9, the name and address of the real estate agent through, by or with whom the transaction is or has been negotiated, if any;
  - (k) if the land is vacant, a development proposal; and
  - (l) the non-refundable application fee prescribed in Schedule 2.
- (4) For the purposes of subsection 3(d)—
- (a) a referee must be a Judge, a Magistrate, a Justice of the Peace, a Commissioner for Oaths, a Notary Public, a Bank Manager or a Minister of Religion; and
  - (b) a person is ordinarily resident in Montserrat if he is physically

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present in Montserrat as an inhabitant of Montserrat.”.

**10. Section 4 amended**

Section 4 of the principal Act is deleted and the following is substituted—

**4. Licences to hold land or mortgage**

- (1) The Governor acting on the advice of Cabinet may grant to a non-Montserratian a licence in Form 5 of Schedule 1, to hold land as owner or tenant or mortgagee of any estate or interest in the land, subject to the following conditions—
- (a) the licence is operative only as to the person to whom it is granted and is not transferable;
  - (b) the licence is operative only as to the land described and as to the estate or interest specified in the licence;
  - (c) any development of the land is subject to the Physical Planning Act (Cap. 8.03);
  - (d) subject to subsection (2), any development of the land required under the licence shall be completed within two years of the grant of the licence; and
  - (e) any other condition that the Governor acting on the advice of Cabinet deems fit.
- (2) If a person is granted a licence and the person is unable to develop the land

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within the two year period prescribed under subsection (1)(d), then before the expiration of the two year period, the person shall apply to the Minister for an extension of time to comply.

- (3) An application for an extension of time under subsection (2) must be accompanied by—
- (a) the non-refundable application fee prescribed in Schedule 2; and
  - (b) a statutory declaration stating the grounds for the extension.
- (4) The Minister shall submit the application received under subsection (2) to Cabinet for a determination to be made.
- (5) The Governor acting on the advice of Cabinet may grant an extension for a period of time not exceeding two years.
- (6) If a licensee fails to comply with a condition of a licence—
- (a) under subsection (1)(d), the licensee shall pay a fee of 10% of the purchase price of the land each year the failure continues after the expiration of the period granted for completion of the development; and
  - (b) in any other case, the estate and interest of the licensee in the land

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or mortgage held under the licence shall be forfeited to Her Majesty.

- (7) If the fee payable under subsection (6)(a) remains outstanding for a period exceeding two years, the fee is recoverable as a civil debt and in default, the estate and interest of the person in the land or mortgage held under the licence shall be forfeited to Her Majesty.
- (8) If an application is made to the Registrar of Lands by or on behalf of a person for the registration of a transfer of land, lease of land or mortgage under the Registered Land Act (Cap. 8.01), the Registrar of Lands shall register the transfer, lease or mortgage if he is satisfied that the person in whose name the transfer, lease or mortgage is to be registered—
- (a) is a Montserratian;
  - (b) is exempted under section 3A from the requirement for a licence; or
  - (c) has been granted a licence under this Act to hold the land as owner, tenant or mortgagee and has complied with the conditions of the grant of the licence.
- (9) A person who has been granted a licence shall submit the original licence to the Registrar of Lands on application for registration of a transfer of land, lease of land or mortgage in

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respect of the land the subject of the licence.

- (10)** After registering a transfer of land, lease of land or mortgage, the Registrar of Lands shall return to the applicant the original licence submitted with the application and shall keep a copy of the licence with the documents relating to the transfer of land, lease of land or mortgage.
- (11)** Subject to subsection (12), if a licence under section 4 or 9 to own land is issued to a new proprietor, the Registrar of Lands shall, by notice in Form 8 of Schedule 1, revoke any prior licence issued to own the land.
- (12)** The Registrar of Lands shall not revoke a prior licence if—
- (a)* a transfer of the land has—
    - (i)* not been effected; or
    - (ii)* been effected and the land is to be held by the registered proprietor jointly or in common with the new proprietor; or
  - (b)* the prior licence was issued in respect of more than one parcel of land and any of the parcels of land the subject of the licence has not been transferred.
- (13)** A notice under subsection (11) shall be issued to the holder of the licence which has been revoked.

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- (14) If a person to whom a licence has been granted fails to pay the licence fee within three months of the grant of the licence, the licence expires.”.

**11. Section 5 amended**

Section 5 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting the following as subsections (1) and (1A) —

“(1) The Governor acting on the advice of Cabinet may grant to a non-Montserratian a general licence in Form 6 of Schedule 1 to hold land as a mortgagee.

(1A) If a licensee fails to comply with a condition of a general licence, a mortgage held by a non-Montserratian under the general licence is subject to forfeiture.”; and

- (b) in subsection (3), by inserting “, on payment of the fee prescribed in Schedule 2” immediately before “.”.

**12. Section 10 amended**

Section 10 of the principal Act is deleted and the following is inserted—

**“10. Forfeiture of land or mortgage**

(1) A person who has an interest in or right over land or a mortgage which is subject to forfeiture has a right of direct access to the High Court for the determination of—

- (a) his interest or right; and

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- (b) the legality of the forfeiture of the land or mortgage.
- (2) If land or a mortgage is subject to forfeiture, the Minister shall give to the proprietor of the land or mortgage and to any other person who may, in his opinion, be affected by the forfeiture, written notice of—
- (a) the intention to forfeit the land or mortgage; and
- (b) the right of access to the High Court under subsection (1).
- (3) For the purposes of subsection (2), notice is deemed to have been served on or given to a person—
- (a) if served on him personally;
- (b) if served on another person holding a power of attorney authorising that other person to accept service on behalf of the person;
- (c) if sent by registered post to him at his last known postal address in Montserrat or elsewhere and a receipt purporting to have been signed by him has been received in return; or
- (d) if service cannot be effected under paragraph (a), (b) or (c), by displaying the notice in a prominent place on the land affected and by public notice for twenty days.
- (4) For the purposes of establishing a forfeiture, after twenty days has



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elapsed from the date of service of notice on a person under subsection (3), the Attorney General may, in accordance with the procedure provided by the Crown Proceedings Act (Cap. 2.06), apply to the High Court for a declaration that the land or mortgage is forfeited to Her Majesty.”.

**13. Section 12 amended**

Section 12(2) of the principal Act is amended by deleting “Form B in the Schedule to this Act” and substituting “Form 8 of Schedule 1”.

**14. Section 13 amended**

Section 13 of the principal Act is amended—

(a) by deleting subsection (1) and substituting the following—

“(1) An applicant shall pay the applicable licence fee prescribed in Schedule 2 at the time of the grant or renewal of the licence.”;

(b) by deleting subsection (2); and

(c) by deleting subsection (4) and substituting the following—

“(4) The Governor acting on the advice of Cabinet may, by Order, vary the fees prescribed in Schedule 2.”.

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**15. Section 15A inserted**

The principal Act is amended by inserting the following as section 15A—

**“15A. Application for a licence under section 16**

- (1) A company to which section 15 applies shall make an application in writing to the Minister in Form 3 of Schedule 1 for the grant of any licence required under section 16.
- (2) An application made under subsection (1) shall be accompanied by—
  - (a) a copy of the photograph page of—
    - (i) the passport of the subject of the application;
    - (ii) each director’s passport if the subject of the application is a company; or
    - (iii) each member of the governing body’s passport if the subject of the application is a club, society, association or other body;
  - (b) two recent passport size photographs of—
    - (i) the subject of the application; or
    - (ii) each director who is a non-Montserratian if the subject of the application is a company;
    - (iii) each member of the governing body who is a non-

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Montserratian if the subject of the application is a club, society, association or other body;

(c) a bank reference showing the financial status of the subject of the application for at least two years immediately before the date of application;

(d) two references in support of the application—

(i) one from a Montserratian or a person who is ordinarily resident in Montserrat for five years immediately before and up to the date of the application; and

(ii) one from a person who has known the subject of the application for at least three years immediately before the date of the application;

(e) if—

(i) the applicant;

(ii) a director who is a non-Montserratian if the applicant is a company; or

(iii) a member of the governing body who is a non-Montserratian if the applicant is a club, society, association or other body,

has ordinarily resided in more than one country for five years immediately before and up to the

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date of his or its application, a statement from the relevant authorities of the countries of ordinary residence indicating that a person under subparagraph (i), (ii) or (iii) does not have a police record or stating that details of the person's police record will be provided;

- (f) if the subject of the application is a company, a certificate of incorporation of the company, a certificate of good standing and the most recent notice of directors filed and recorded at the registry of companies;
  - (g) if the subject of the application is a club, society, association or other body, its certificate of registration; and
  - (h) the non-refundable application fee prescribed in Schedule 2.
- (3) For the purposes of subsection 2(d),—
- (a) a referee must be a Judge, a Magistrate, a Justice of the Peace, a Commissioner for Oaths, a Notary Public, a Bank Manager or a Minister of Religion; and
  - (b) a person is ordinarily resident in Montserrat if he is physically present in Montserrat as an inhabitant of Montserrat.”.

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**16. Section 16 amended**

Section 16 of the principal Act is deleted and the following is substituted—

**“16. Licences for persons to hold directorships, shares or debentures**

- (1) The Governor acting on the advice of Cabinet may, on the application of a company to which section 15 applies, grant a licence in Form 7 of the Schedule, either subject to conditions or not, for all or any of the following matters—
  - (a) for a non-Montserratian to be a director of a company holding land or an interest in land in Montserrat;
  - (b) for a non-Montserratian to vote at meetings of a company holding land or an interest in land in Montserrat;
  - (c) for a non-Montserratian to hold shares or debentures in a company holding land or an interest in land in Montserrat; or
  - (d) for a non-Montserratian to be a member of a company having no share capital and holding land or an interest in land in Montserrat.
- (2) A licence granted under this section is only operative as to the company named in the licence and as to the director, the number of votes, shares or debentures specified in the licence.

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- (3) If a licensee fails to comply with a condition of a licence, he commits an offence and is liable to a fine of \$10,000.”.

**17. Section 17 deleted**

Section 17 of the principal Act is deleted.

**18. Section 21 amended**

Section 21(2) of the principal Act is deleted and the following is substituted—

- “(2) The Governor acting on the advice of Cabinet shall not refuse his consent to a transfer under subsection (1).”.

**19. Section 22 amended**

Section 22 of the principal Act is deleted and the following is substituted—

**“22. Special provisions for Caribbean Community nationals**

Despite sections 3 and 16(1)(c), if the Governor acting on the advice of Cabinet is satisfied that reciprocal provisions have been made by the legislature of any member state of the Caribbean Community or the Organisation of Eastern Caribbean States to permit Montserratians to acquire shares or debentures in companies registered in that state or to hold land in that state without obtaining a licence, the Governor acting on the advice of Cabinet may, by Order, declare that the nationals of that member state may—

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- (a) acquire shares in companies registered in Montserrat; or
- (b) hold land in Montserrat, without obtaining a licence.”.

**20. Section 23 amended**

Section 23 of the principal Act is amended—

- (a) in the chapeau by deleting “Memorandum or Articles of Association” and substituting “Articles of Incorporation”;
- (b) in paragraph (a), by deleting “non-belonger” and substituting “non-Montserratian”;
- (c) in paragraph (b), by deleting “non-belongers” and substituting “non-Montserratians”; and
- (d) by deleting paragraph (c) and substituting the following—
  - “(c) refuse to register a non-Montserratian as a member or the holder of a debenture; or”.

**21. Section 24 inserted**

The principal Act is amended by inserting the following as section 24—

**“24. Regulations**

The Governor acting on the advice of Cabinet may make regulations for giving effect to the provisions of this Act.”.

**22. Schedule amended**

The Schedule to the principal Act is amended—

- (a) by renaming the Schedule as “SCHEDULE 1”;

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(b) by deleting Form A and substituting the following as Forms 1 to 8—

<b>“FORM 1</b>		
<b>LANDHOLDING CONTROL ACT</b>		
<i>(Section 3B)</i>		
<b>APPLICATION FOR A LANDHOLDING LICENCE</b>		
REGISTRATION SECTION	BLOCK	PARCEL
.....	.....	.....
<p>I/WE HEREBY APPLY for the grant of a Landholding Licence to own/mortgage/lease* for ..... years the above-mentioned parcel of land [or to hold the above-mentioned parcel of land in trust/to hold a mortgage on the above-mentioned parcel of land in trust* for ..... years].</p>		
<b>1. APPLICANT</b>		
Title: <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Miss <input type="checkbox"/> Dr. <input type="checkbox"/> Other		
Name of Applicant: .....		
Date of Birth/Incorporation/Registration*: .....		
Place of Birth/Incorporation/Registration*: .....		
Nationality: .....		
<i>(if naturalised, attach a copy of the naturalisation certificate and state former nationality as well)</i>		
Passport Type and Number: .....		
Name of Applicant’s Real Estate Agent: <i>(if any)</i> .....		
Address of Real Estate Agent: <i>(if any)</i> .....		



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<b>·If applicant is a company:</b>			
(a) list the name and nationality of each director of the company	<u>Director</u>	<u>Nationality</u>	
	.....	.....	
	.....	.....	
(b) list the name and nationality of each shareholder/debenture holder of the company and the number of shares/debentures held	<u>Shareholder/ Debenture holder</u>	<u>Nationality</u>	<u>Shares/ Debentures held</u>
	.....	.....	.....
	.....	.....	.....
<b>·If applicant is a club, society, association or other body:</b>			
(a) list the name and nationality of each member of the governing body of the club, society, association or other body	<u>Member of Governing Body</u>	<u>Nationality</u>	
	.....	.....	
	.....	.....	
(b) list the name and nationality of all other members of the club, society, association or other body	<u>Other Member</u>	<u>Nationality</u>	
	.....	.....	
	.....	.....	
<b>2. RESIDENTIAL ADDRESS/REGISTERED ADDRESS*</b>			
Street and Number:	.....		
Town:	.....		
Zip or Postal Code:	.....		
Country:	.....		
Telephone No.:	.....		
Email:	.....		
Time at the above address:	.....		

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<i>(list home addresses in full for the previous 5 years, if they are different from above and give related dates)</i>	
<b>3. PROFESSION</b>	
State occupation or profession:	.....
Give details of professional qualifications:	.....
<b>4. FINANCIAL DETAILS</b>	
Have you or your spouse ever:	
• been declared bankrupt?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• been the subject of a bankrupt petition?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• received a judgment against you in a civil court?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>(If yes to any of the above, please give details)</i>	
<b>5. DETAILS OF OFFENCES</b>	
Have you ever been convicted in a Court of Law of an offence in any country?	<input type="checkbox"/> No <input type="checkbox"/> Yes
<i>(If yes, please give details)</i>	
<b>6. BANK REFERENCE</b>	
Name of Bank:	.....
Name of Banker:	.....
Address:	..... .....
Telephone No.:	.....
Fax No.:	.....
<b>7. PERSONAL REFERENCES</b>	
Name of Referee: .....	Name of Referee: .....

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NO. 18 OF 2014

Address: ..... Telephone No.: ..... Fax No.: ..... Nationality/Citizenship: .....	Address: ..... Telephone No.: ..... Fax No.: ..... Nationality/Citizenship: .....
<b>8. DESCRIPTION OF LAND</b>	
Registration Section: ..... Block No.: ..... Parcel No.: ..... Acreage: ..... Current Proprietor: ..... Address of Current Proprietor: ..... Is the land vacant? <input type="checkbox"/> Yes <input type="checkbox"/> No Purchase price of land: ..... If the land is not vacant, purchase price of any building or other fixture on the land: .....	
<b>9. DEVELOPMENT OF LAND</b>	
Intended use of land or property: <ul style="list-style-type: none"> <li><input type="checkbox"/> Private home (<i>no rental rights</i>)</li> <li><input type="checkbox"/> Villa (<i>private home with rental rights</i>)</li> <li><input type="checkbox"/> Tourism (<i>hotel, condominiums, etc</i>)</li> <li><input type="checkbox"/> Commercial</li> <li><input type="checkbox"/> Industry</li> <li><input type="checkbox"/> Other (<i>please specify</i>)</li> </ul>	
Proposed time for commencement of development: ..... Estimated time of completion of development from date of licence: .....	

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<b>10. OTHER DETAILS</b>		
State any other land or property owned in Montserrat and date acquired:	Reg. Section.....	Date acquired
	Block.....Parcel.....	.....
	Reg. Section.....	Date acquired
	Block.....Parcel.....	.....
<b>11. SUPPORTING DOCUMENTATION</b>		
I/We attach to the application:		
<input type="checkbox"/> A copy of the photograph page of the applicant's passport or the passport of each director if the applicant is a company or of each member of the governing body if the applicant is a club, society, association or other body.		
<input type="checkbox"/> Two recent passport size photographs of the applicant or of each director who is a non-Montserratian if the applicant is a company or of each member of the governing body if the applicant is a club, society, association or other body.		
<input type="checkbox"/> A bank reference showing the applicant's financial status for at least two years immediately before the date of application.		
<input type="checkbox"/> Two references in support of the application, one from a Montserratian or a resident of Montserrat and one from a person who has known the applicant for at least three years immediately before the date of this application.		
<input type="checkbox"/> A police record from the applicant's country of residence or a police record in respect of each director who is a non-Montserratian if the applicant is a company or a police record in respect of each member of the governing body if the applicant is a club, society, association or other body.		
<input type="checkbox"/> A Certificate of Incorporation of the company, a Certificate of Good Standing and the most recent notice of directors filed and recorded at the registry of companies (if applicable). If the applicant is a company, a certified list of the company's shareholders or debenture holders.		
<input type="checkbox"/> A Certificate of Registration of the club, society, association or other body (if applicable). If the applicant is a club, society, association or other body, a certified list of the members of the governing body and a certified list of its other members.		
<input type="checkbox"/> A statement justifying the acquisition of the land (if applicable).		
<input type="checkbox"/> A description of the development proposals (if applicable).		
<input type="checkbox"/> The requisite application fee.		

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**12. DECLARATION**

I/We certify that the details and information provided in this application are true and accurate to the best of my/our knowledge and no information has been intentionally omitted or provided to mislead the determination of this application.

I/We hereby authorise the Government of Montserrat to contact all relevant authorities and referees and authorise the said authorities and referees to provide the Government of Montserrat with whatever information the Government may request.

Dated the ..... day of ....., 20.....

.....

Signature of applicant

or

Applicant's Legal Practitioner

*\* Delete as necessary*

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LANDHOLDING CONTROL (AMENDMENT) ACT, 2014

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**FORM 2**  
**LANDHOLDING CONTROL ACT**  
*(Section 3B)*

**APPLICATION FOR A GENERAL LANDHOLDING LICENCE IN RESPECT OF MORTGAGES**

Application for:  **First Grant**  **Renewal**

I/WE HEREBY APPLY for the grant of a General Landholding Licence to hold land as a mortgagee.

**1. APPLICANT**

Title:  Mr.  Mrs.  Ms.  Miss  Dr.  Other

Name of Applicant: .....

Date of Birth/Incorporation/Registration\*: .....

Place of Birth/Incorporation/Registration\*: .....

Nationality: .....

*(if naturalised, attach a copy of the naturalisation certificate and state former nationality as well)*

Passport Type and Number: .....

**If applicant is a company:**

(a) list the name and nationality of each director of the company	<u>Director</u>	<u>Nationality</u>
	.....	.....
	.....	.....

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(b) list the name and nationality of each shareholder/debenture holder of the company and the number of shares/debentures held	<u>Shareholder/ Debenture holder</u>	<u>Nationality</u>	<u>Shares/ Debentures held</u>
	.....	.....	.....
	.....	.....	.....
<b>If applicant is a club, society, association or other body:</b>			
(a) list the name and nationality of each member of the governing body of the club, society, association or other body	<u>Member of Governing Body</u>	<u>Nationality</u>	
	.....	.....	
	.....	.....	
(b) list the name and nationality of all other members of the club, society, association or other body	<u>Other Member</u>	<u>Nationality</u>	
	.....	.....	
	.....	.....	

<b>2. RESIDENTIAL ADDRESS/REGISTERED ADDRESS*</b>	
Street and Number:	.....
Town:	.....
Zip or Postal Code:	.....
Country:	.....
Telephone No.:	.....
Email:	.....
Time at the above address	.....
<i>(list home addresses in full for the previous 5 years, if they are different from above and give related dates)</i>	

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<b>3. PROFESSION</b>	
State occupation or profession:	.....
Give details of professional qualifications:	.....
<b>4. FINANCIAL DETAILS</b>	
Have you or your spouse ever:	
• been declared bankrupt?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• been the subject of a bankrupt petition?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• received a judgment against you in a civil court?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>(If yes to any of the above, please give details)</i>	
<b>5. DETAILS OF OFFENCES</b>	
Have you ever been convicted in a Court of Law of an offence in any country?	<input type="checkbox"/> No <input type="checkbox"/> Yes
<i>(If yes, please give details)</i>	
<b>6. BANK REFERENCE</b>	
Name of Bank:	.....
Name of Banker:	.....
Address:	..... .....
Telephone No.:	.....
Fax No.:	.....
<b>7. PERSONAL REFERENCES</b>	
Name of Referee:	.....
Address:	..... .....
Telephone No.:	.....
Name of Referee:	.....
Address:	..... .....
Telephone No.:	.....



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Fax No.: ..... Nationality/Citizenship: .....	Fax No.: ..... Nationality/Citizenship: .....										
<b>8. OTHER DETAILS</b>											
State any other land or property owned in Montserrat and date acquired:	<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">Reg. Section.....</td> <td style="width: 20%;">Date acquired</td> </tr> <tr> <td>Block.....Parcel.....</td> <td>.....</td> </tr> <tr><td colspan="2"> </td></tr> <tr> <td>Reg. Section.....</td> <td>Date acquired</td> </tr> <tr> <td>Block.....Parcel.....</td> <td>.....</td> </tr> </table>	Reg. Section.....	Date acquired	Block.....Parcel.....	.....			Reg. Section.....	Date acquired	Block.....Parcel.....	.....
Reg. Section.....	Date acquired										
Block.....Parcel.....	.....										
Reg. Section.....	Date acquired										
Block.....Parcel.....	.....										
<b>9. SUPPORTING DOCUMENTATION</b>											
I/We attach to the application:											
<ul style="list-style-type: none"> <li><input type="checkbox"/> A copy of the photograph page of the applicant's passport or the passport of each director if the applicant is a company or of each member of the governing body if the applicant is a club, society, association or other body.</li> <li><input type="checkbox"/> Two recent passport size photographs of the applicant or of each director who is a non-Montserratian if the applicant is a company or of each member of the governing body who is a non-Montserratian if the applicant is a club, society, association or other body.</li> <li><input type="checkbox"/> A bank reference showing the applicant's financial status for at least two years immediately before the date of application.</li> <li><input type="checkbox"/> Two references in support of the application, one from a Montserratian or a resident of Montserrat and one from a person who has known the applicant for at least three years immediately before the date of this application.</li> <li><input type="checkbox"/> A police record from the applicant's country of residence or a police record in respect of each director who is a non-Montserratian if the applicant is a company or a police record in respect of each member of the governing body who is a non-Montserratian if the applicant is a club, society, association or other body.</li> <li><input type="checkbox"/> A Certificate of Incorporation of the company, a Certificate of Good Standing and the most recent notice of directors filed and recorded at the registry of companies (if applicable).</li> <li><input type="checkbox"/> If the applicant is a company, a certified list of the company's shareholders or debenture holders.</li> <li><input type="checkbox"/> A Certificate of Registration of the club, society, association or other body which is the subject of the application (if applicable).</li> </ul>											
If the applicant is a club, society, association or other body, a certified list of the members of the governing body and a certified list of its other members.											
<input type="checkbox"/> A description of the development proposals (if applicable).											

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The requisite application fee.

**10. DECLARATION**

I/We certify that the details and information provided in this application are true and accurate to the best of my/our knowledge and no information has been intentionally omitted or provided to mislead the determination of this application.

I/We hereby authorise the Government of Montserrat to contact all relevant authorities and referees and authorise the said authorities and referees to provide the Government of Montserrat with whatever information the Government may request.

Dated the ..... day of ....., 20.....

.....

Signature of applicant

or

Applicant's Legal Practitioner

*\* Delete as necessary*

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LANDHOLDING CONTROL (AMENDMENT) ACT, 2014

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**FORM 3**

**LANDHOLDING CONTROL ACT**

*(Section 15A)*

**APPLICATION FOR LANDHOLDING LICENCE TO—**

**\*HOLD A DIRECTORSHIP OF A COMPANY HOLDING LAND OR AN INTEREST IN LAND**

**\*VOTE AT A MEETING OF A COMPANY HOLDING LAND OR AN INTEREST IN LAND**

**\*HOLD SHARES OR DEBENTURES IN A COMPANY HOLDING LAND OR AN INTEREST IN LAND**

**\*BE A MEMBER OF A COMPANY HAVING NO SHARE CAPITAL HOLDING LAND OR AN INTEREST IN LAND**

-----

I/WE (.....*Name of Company*.....) HEREBY APPLY for the grant of a Landholding Licence to—

\*hold a directorship of a company

\*vote at a meeting of a company

\*hold shares or debentures in a company

\*be a member of a company having no share capital

on behalf of (.....*subject of the application*.....) below.

**1. SUBJECT OF APPLICATION**

Title:    Mr.        Mrs.        Ms.        Miss        Dr.        Other

Name of Applicant: .....

Date of Birth/Incorporation/Registration\*: .....

Place of Birth/ Incorporation/Registration\*: .....

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Nationality: .....

*(if naturalised, attach a copy of the naturalisation certificate and state former nationality as well)*

Passport Type and Number: .....

**•If the subject of the application is a company:**

(a) list the name and nationality of each director of the company

	<u>Director</u>	<u>Nationality</u>
	.....	.....
	.....	.....

(b) list the name and nationality of each shareholder/debenture holder of the company and the number of shares/debentures held

	<u>Shareholder/ Debenture holder</u>	<u>Nationality</u>	<u>Shares/ Debentures held</u>
	.....	.....	.....
	.....	.....	.....

**•If the subject of the application is a club, society, association or other body:**

(a) list the name and nationality of each member of the governing body of the club, society, association or other body

	<u>Member of Governing Body</u>	<u>Nationality</u>
	.....	.....
	.....	.....

(b) list the name and nationality of all other members of the club, society, association or other body

	<u>Other Member</u>	<u>Nationality</u>
	.....	.....
	.....	.....

**2. RESIDENTIAL ADDRESS/REGISTERED ADDRESS\* OF SUBJECT OF APPLICATION**

Street and Number: .....

Town: .....

Zip or Postal Code: .....

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Country:	.....
Telephone No.:	.....
Email:	.....
Time at the above address:	.....
<i>(list home addresses in full for the previous 5 years, if they are different from above and give related dates)</i>	
<b>3. PROFESSION OF SUBJECT OF APPLICATION</b>	
State occupation or profession:	.....
Give details of professional qualifications:	.....
<b>4. FINANCIAL DETAILS OF SUBJECT OF APPLICATION</b>	
Have you or your spouse ever:	
• been declared bankrupt?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• been the subject of a bankrupt petition?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• received a judgment against you in a civil court?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>(If yes to any of the above, please give details)</i>	
<b>5. DETAILS OF OFFENCES OF SUBJECT OF APPLICATION</b>	
Have you ever been convicted in a Court of Law of an offence in any country?	<input type="checkbox"/> No <input type="checkbox"/> Yes
<i>(If yes, please give details)</i>	
<b>6. BANK REFERENCE OF SUBJECT OF APPLICATION</b>	
Name of Bank:	.....
Name of Banker:	.....
Address:	..... .....
Telephone No.:	.....

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Fax No.: .....			
<b>7. PERSONAL REFERENCES OF SUBJECT OF APPLICATION</b>			
Name of Referee: .....		Name of Referee: .....	
Address: .....		Address: .....	
.....		.....	
Telephone No.: .....		Telephone No.: .....	
Fax No.: .....		Fax No.: .....	
Nationality/Citizenship: .....		Nationality/Citizenship: .....	
<b>8. DETAILS OF COMPANY HOLDING LAND OR AN INTEREST IN LAND</b>			
Name of Company to which the application relates: .....			
Registered Address of Company: .....			
.....			
Type of business carried on by the company: .....			
<b>9. DETAILS OF LAND OR INTEREST IN LAND HELD BY COMPANY</b>			
Registration Section	Block & Parcel No.	Interest Held	Date Acquired
.....	.....	.....	.....
<b>10. DETAILS OF DEALINGS TO BE CONDUCTED WITH COMPANY HOLDING LAND OR AN INTEREST IN LAND</b>			
Number of shares or debentures to be held	Purchase price of the share(s) or debenture(s)	Class of shares to be held	
.....	.....	.....	
<i>(where application is to hold shares or debentures)</i>			

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**11. SUPPORTING DOCUMENTATION**

I/We attach to the application:

- A copy of the photograph page of the subject of the application's passport or the passport of each director if the subject of the application is a company or of each member of the governing body if the subject of the application is a club, society, association or other body.
- Two recent passport size photographs of the subject of the application or of each director who is a non-Montserratian if the subject of the application is a company or of each member of the governing body who is a non-Montserratian if the subject of the application is a club, society, association or other body.
- A bank reference showing the subject of the application's financial status for at least two years immediately before the date of application.
- Two references in support of the application, one from a Montserratian or a resident of Montserrat and one from a person who has known the subject of the application for at least three years immediately before the date of this application.
- A police record from the subject of the application's country of residence or a police record in respect of each director who is a non-Montserratian if the subject of the application is a company or a police record in respect of each member of the governing body who is a non-Montserratian if the subject of the application is a club, society, association or other body.
- A Certificate of Incorporation of the company which is the subject of the application, a Certificate of Good Standing and the most recent notice of directors filed and recorded at the registry of companies (if applicable).
- If the applicant is a company, a certified list of the company's shareholders or debenture holders.
- A Certificate of Registration of the club, society, association or other body (if applicable).  
If the applicant is a club, society, association or other body, a certified list of the members of the governing body and a certified list of its other members.
- A description of the development proposals (if applicable).
- The requisite application fee.

**12. DECLARATION**

I/We certify that the details and information provided in this application are true and accurate to the best of my/our knowledge and no information has been intentionally omitted or provided to mislead the determination of this application.

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I (*subject of application*), being the subject of the application, hereby authorise the Government of Montserrat to contact all relevant authorities and referees and authorise the said authorities and referees to provide the Government of Montserrat with whatever information the Government may request.

Dated the ..... day of ....., 20.....

.....

Signature of applicant

.....

Signature of subject of application

\* *Delete as necessary*



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**FORM 4**  
**LANDHOLDING CONTROL ACT**  
**REQUEST FOR VALUATION**

REGISTRATION SECTION	BLOCK	PARCEL
.....	.....	.....

TO : The Comptroller of Inland Revenue,  
Government of Montserrat

I HEREBY REQUEST a valuation of the current market value of the above mentioned parcel, which is the subject of an application for a Landholding Licence under the Landholding Control Act (Cap. 8.02).

The purchase price of: (a) the land has been given as EC\$ .....; and  
(b) the property has been given as EC\$ .....

Dated this ..... day of ....., 20.....

.....  
Registrar of Lands

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**FORM 5**

**LANDHOLDING CONTROL ACT**

*(Section 4)*

LICENCE NO. .... OF 20.....

**LANDHOLDING LICENCE**

REGISTRATION SECTION

BLOCK

PARCEL

.....

Licence is granted to .....

of ..... to own/mortgage/lease\* [*or to hold in trust/to hold a mortgage in trust\**] for ..... years the above land.

on payment of the fee of ..... dollars (\$.....)

**Conditions:**

- (a) the licence is operative only as to the land described and as to the estate or interest specified in the licence;
- (b) any development of the land is subject to the Physical Planning Act;
- (c) any development of the land required under the licence shall be completed within two years after the registration of the licence or any additional period as the Governor acting on the advice of Cabinet may decide;
- (d) *(insert additional conditions)*

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Given under my hand this ..... day of ..... 20..... .

.....

GOVERNOR

\* Delete as necessary

---

**FORM 6**

**LANDHOLDING CONTROL ACT**

*(Section 5)*

**LICENCE NO. .... OF 20.....**

**GENERAL LANDHOLDING LICENCE IN RESPECT OF MORTGAGES**

Licence is granted to ..... of

..... to hold land as a mortgagee for the period

....., 20.... to ....., 20.....

on payment of the fee of ..... dollars (\$.....)

**Conditions:**

- (a) the conditions set out in section 5(2) and (3) of the Landholding Control Act (Cap.

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8.02);

(b) *(insert additional conditions)*

Given under my hand this ..... day of ..... 20..... .

.....  
GOVERNOR

---

**FORM 7**

**LANDHOLDING CONTROL ACT**

*(Section 16)*

**LICENCE NO. .... OF 20.....**

**LANDHOLDING LICENCE TO—**

**\*HOLD A DIRECTORSHIP OF A COMPANY HOLDING LAND OR AN INTEREST IN LAND**

**\*VOTE AT A MEETING OF A COMPANY HOLDING LAND OR AN INTEREST IN LAND**

**\*HOLD SHARES OR DEBENTURES IN A COMPANY HOLDING LAND OR AN INTEREST IN LAND**

**\*BE A MEMBER OF A COMPANY HAVING NO SHARE CAPITAL HOLDING LAND OR AN INTEREST IN LAND**

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<u>Registration Section</u>	<u>Block No.</u>	<u>Parcel No.</u>
.....	.....	.....
.....	.....	.....

Licence is granted to (.....*insert Name of subject of application*.....) of

..... (.....*insert address*.....), on the application of (.....*insert Name of Company*.....) to—

**\*hold a directorship of (.....*insert Name of Company*.....) of ..... (.....*insert address*.....)**  
.....

**or**

**\*vote at a meeting of (.....*insert Name of Company*.....) of ..... (.....*insert address*.....) .....**

**or**

**\*hold (.....*insert number*.....) shares of Class (.....*insert class of share*.....) or (.....*insert number*.....) debentures**

**in (.....*insert Name of Company*.....) of ..... (.....*insert address*.....) .....**

**or**

**\*be a member of (.....*insert Name of Company*.....) of ..... (.....*insert address*.....) ....., a**

**company having no share capital,**

on payment of the fee of ..... dollars (\$.....)

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**Conditions:**

(a) *(insert conditions)*

Given under my hand this ..... day of ..... 20..... .

.....  
GOVERNOR

*\* Delete as necessary*

---

**FORM 8**

**LANDHOLDING CONTROL ACT**

*(Section 4)*

**REVOCATION OF LANDHOLDING LICENCE**

REGISTRATION SECTION

BLOCK

PARCEL

.....

.....

.....

TO: (Name of Registered Proprietor)

(Address of Registered Proprietor)

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Landholding Licence No. ....of 20 ..... , issued to  
..... is revoked, in accordance with section  
4(5) of the Landholding Control Act (Cap. 8.02).

Given under my hand and the seal of the Land Registry this    day of    ,  
20    .

.....  
Registrar of Lands”; and

(c) by renaming Form B as “Form 9”.

**23. Schedule 2 inserted**

The principal Act is amended by inserting the following  
as Schedule 2—

**“SCHEDULE 2**

**LANDHOLDING CONTROL ACT**

*(Sections 3B, 5, 9, 13 and 16)*

**LANDHOLDING CONTROL FEES**

ITEM	FEE
Application fee—	
(a) in respect of an application under section 3B submitted by a national of a member state to whom section 22 applies	\$500

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(b) in respect of any other application under section 3B	\$250
(c) in respect of an application for extension of time under section 4(1)(A)	\$500
Licence fee—	
(a) in respect of a general licence granted under section 5—	
(i) on the first grant	\$3,500
(ii) on every renewal	\$1,500
(b) in respect of a licence granted under section 4 or 9—	
(i) to own land	5% of the consideration paid for the land or \$3,500, whichever is greater
(ii) to lease land	15% of the annual rental value as determined for the purposes of the Property Tax Act, or \$1,500, whichever is greater
(iii) to hold land as a mortgagee	5% of the



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	consideration paid for the land or \$3,500, whichever is greater
(c) in respect of a licence under section 16 to—	
(i) hold a directorship of a company	\$50
(ii) vote at a meeting of a company	\$50
(iii) hold shares or debentures in a company	\$50
(iv) be a member of a company having no share capital	\$50

(Sgd.) Teresina Bodkin  
**SPEAKER**

Passed by the Legislative Assembly this 22nd day of July, 2014.

(Sgd.) Judith Baker  
**CLERK OF THE LEGISLATIVE ASSEMBLY**