

## CHAPTER 319 CROWN LANDS ACT

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• Act • Subsidiary Legislation •

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### ACT

Chapter No. 77 of 1926

#### Amended by

Act No. 22 of 1945  
Act No. 19 of 1946  
Act No. 12 of 1947  
SRO 16 of 1957  
The Court Order, 1967  
Act No. 32 of 1968  
SRO 54 of 1969  
Act No. 3 of 1978  
The Constitution  
SRO 38 of 1980  
Act No. 21 of 1988  
Act No. 23 of 1988  
SRO 11 of 1991

#### ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Appointment of officers, etc.
4. Regulations.
5. Reservation of minerals.
6. Survey of Crown boundaries.
7. Notice before survey.
8. Copy to be lodged.
9. Proceedings on objection.
10. Judicial proceedings.
11. False evidence.
12. When boundary determined no entry necessary.
13. Access to Crown lands.
14. Marking of road.
15. Notice of road to be published.
16. When road may be cleared.
17. Compensation.
18. Roads, when made, to be public byeways.
19. Diagram to be registered.
20. Service of notices.
21. Power of entry on adjoining land.
22. General powers of entry.
23. Exercise of right of entry.
24. Production of plans, documents, etc.
25. Summary ejection.

- 26. Offences.
- 27. Arrest without warrant.
- 28. Disposal of penalties.
- 29. Recovery of penalties.
- 30. Jurisdiction to try offences.
- 31. Limitation of time for prosecution.
- 32. Onus of proof.
- 33. Rights of Her Majesty not prejudiced.

Schedule

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## CHAPTER 319 CROWN LANDS ACT

### **An Act to consolidate and amend the law relating to lands of the Crown.**

[Chapter No. 77 of 1926 amended by Act No. 22 of 1945, Act No. 19 of 1946, Act No. 12 of 1947, SRO 16 of 1957, The Court Order, 1967, Act No. 32 of 1968, SRO 54 of 1969, Act No. 3 of 1978, The Constitution, SRO 38 of 1980, Act No. 21 of 1988, Act No. 23 of 1988, SRO 11 of 1991.]

[Date of commencement: *15th March*, 1906.]

#### **1. Short title**

This Act may be cited as the Crown Lands Act.

#### **2. Interpretation**

In this Act, unless the context otherwise requires—

“**Chief Forest Officer**” and “**forest officer**” mean the person or persons so appointed under the provisions of the Forests Act;

[Chapter 58 of the Revised Laws 1990 Edition.]

“**Crown boundary**” means the boundary line between Crown land and land of an adjoining owner;

“**Crown land**” means land vested in the Crown, or vested in the Governor-General for the public uses of Saint Vincent and the Grenadines, but does not include land acquired under the Land Settlement and Development Act;

[Chapter 323.]

“**Court**” means the High Court and includes a judge thereof;

“**intervening land**” means land lying between Crown land and any public highway or byeway;

“**magistrate**” means the magistrate of the district in which the land which forms the subject of the inquiry is situated;

“**owner**”, in respect of land, means the person in possession of land or his duly authorised attorney on record, or, if there be more than one person in possession, or more than one such attorney, then any one of such persons or attorneys;

“**qualified surveyor**” means a land surveyor admitted and licensed to practise as such under the provisions of any Act regulating the admission and licensing of land surveyors to practise within Saint Vincent and the Grenadines.

#### **3. Appointment of officers, etc.**

The Governor-General may appoint any person to discharge the duties imposed by this Act on the Chief Surveyor.

#### **4. Regulations**

(1) The Governor-General may make regulations in respect of—

- (a) the survey of Crown boundaries;
- (b) the management, sale and letting of Crown lands and the protection of the boundaries thereof;
- (c) the prevention of squatting, encroachment and trespass upon such lands, and injury to the woods and forests thereon;
- (d) the occupation, allotment and survey of such lands;
- (e) the issue of grants and fees payable respectively thereon.

(2) Any person who commits a breach of such regulations is guilty of an offence and liable to a fine of two hundred and fifty dollars.

(3) The administration and disposal of Crown lands shall be vested in and exercised by the Governor-General subject to any regulation duly made under the authority of subsection (1).

#### **5. Reservation of minerals**

No grant or sale of any Crown land made under this Act shall be deemed to confer any right to any mineral therein, and all minerals, notwithstanding the grant or sale, shall be deemed to remain and shall remain the absolute property of the Crown.

#### **6. Survey of Crown boundaries**

(1) The Governor-General may, whenever it shall appear expedient to do so, cause a survey to be made of any Crown land or Crown boundary.

(2) It shall be the duty of the Chief Surveyor to make any such survey:

Provided that the Governor-General may employ any qualified surveyor to make any such or any other survey in lieu of, or as assistant to, the Chief Surveyor at such remuneration and on such terms of engagement as he shall think fit.

#### **7. Notice before survey**

Before proceeding on the survey of any Crown boundary, the Chief Surveyor, or other surveyor employed to make the survey, shall serve, or cause to be served, upon the owner of the lands whereof the boundary is to be surveyed, seven clear days, notice in writing under his hand of his intention to proceed on such survey. Such notice may be in the form in the Schedule.

#### **8. Copy to be lodged**

When the survey of any Crown boundary has been completed, a plan of such survey shall be laid before the Governor-General for his approval. When the plan has been approved by the Governor-General, one copy thereof shall be deposited at the Surveys Office, and notice of such deposit shall be published in the *Gazette*.

#### **9. Proceedings on objection**

Any person who may consider himself aggrieved by any plan of a survey of Crown boundaries may, without prejudice to any application to the Governor-General, within two calendar months next after the publication in the *Gazette* of the last mentioned notice, apply by petition to a judge in chambers to review the survey. The petition must state fully the objections to the survey and the petitioner's claims and reasons for the application.

## **10. Judicial proceedings**

(1) On reading the petition, the judge shall name a day for the hearing thereof, and shall give directions as to—

- (a) the persons to whom notice of such hearing shall be given;
- (b) the mode of service of such notice by the petitioner.

(2) The judge may order the production of all plans and documents relating to the land and boundaries surveyed in the possession or custody of any person or persons, and may order subpoenas to be issued for the attendance of witnesses. Notice of the day of hearing shall be served on the Chief Forest Officer.

(3) The hearing of the petition may be had in court or in chambers, as the judge may direct.

(4) On the day of hearing, or at any adjournment thereof, the judge may make such order to review the survey or such other order as the case may require.

(5) The powers of the Court for compelling the attendance and remuneration of witnesses, enforcing obedience to its orders, and generally in the conduct of the proceedings above-mentioned, shall be such as are possessed and exercised by the Court in other cases.

(6) Where the Court alters the boundaries in any case, it shall cause the Chief Surveyor, or other surveyor employed by the Governor-General, to make a fresh plan in duplicate and place fresh boundary marks, if necessary, and the written judgement of the Court with such fresh plan attached thereto shall be recorded in the Surveys Office, and the Chief Surveyor shall preserve a copy in his office, and the boundaries in such fresh plan shall be thereafter the boundaries of the land delineated in such plan.

(7) The Court may prescribe forms, give directions and make rules for the procedure on the petition.

## **11. False evidence**

Any person who wilfully gives false evidence in any proceedings before the Court as above mentioned is guilty of perjury.

## **12. When boundary determined no entry necessary**

Where a Crown boundary has been finally determined under this Act, no entry shall be deemed necessary by or on behalf of Her Majesty on the side of the boundary belonging to the Crown.

## **13. Access to Crown lands**

Whenever it shall become necessary, in the opinion of the Governor-General, to provide a means of access from any public highway or byeway through intervening lands to any Crown lands, the Chief Surveyor, or other surveyor employed by the Governor-General and his agents, servants, and assistants may enter upon any such intervening lands, and survey and mark out, in such manner as he may think fit, a road thereon:

Provided that before such road be so marked out, the Chief Surveyor, or such surveyor employed as aforesaid, shall give seven days' previous notice in writing to the owner of the day and place on and at which he will commence to mark out such road.

## **14. Marking of road**

The Chief Surveyor, or such surveyor employed as aforesaid, shall mark out such road with as little detriment as may be to the owner, due regard being had to the necessity for directness and practicability of the road.

## **15. Notice of road to be published**

Upon the road being so marked out, notice of the same having been done and of the locality of the said road shall be given in the *Gazette*; and the owner, if dissatisfied with the route or proposed mode of making such road, may appeal therefrom to the Governor-General:

Provided that notice in writing of such appeal be given by the owner to the Chief Forest Officer, and also to the Governor-General, within fourteen days after the first publication of the notice in the *Gazette*, and upon notice of the appeal being duly given the Governor-General shall hear and finally determine the matter upon such evidence and in such way as he may think fit.

## **16. When road may be cleared**

If no notice of appeal be given, or upon the matter of such appeal being finally determined, the Chief Forest Officer, his agents, servants and assistants, may fell trees and clear all obstructions to and upon the line of such road to make the same a practicable road for the purposes of this Act.

## **17. Compensation**

No compensation shall be payable for one such road, but whenever it shall appear to the Governor-General to be necessary to make more roads than one through intervening lands forming one plantation or estate or connected tract belonging to a person in possession of the same or in receipt of the rents, issues and profits of the same, every such additional road more than one through such intervening lands shall be acquired, and the compensation for the same shall be agreed upon or awarded and paid for as in the case of land acquired under the Land Acquisition Act.

[Chapter 322.]

## **18. Roads, when made, to be public byeways**

Every road so made shall be deemed to be a public byeway, and the provisions of the Roads Act shall be applicable thereto.

[Chapter 484.]

## **19. Diagram to be registered**

A diagram of any road made under this Act shall be drawn by the Chief Surveyor, or other surveyor employed by the Governor-General, and deposited in the Surveys Office.

## **20. Service of notices**

(1) All notices required to be given under this Act shall be in writing and shall, unless herein otherwise provided, either be served personally on the person entitled to notice or left at his last usual place of abode in Saint Vincent and the Grenadines if any such can, after diligent inquiry, be found with some person there.

(2) Service of notice on any company or corporation shall be deemed sufficient if made on any person at any place of business of such company or corporation in Saint Vincent and the Grenadines, or any clerk or other officer or on any member of such company or corporation.

(3) Where service of notice cannot be made in any of the modes mentioned, such service may be made in the following manner—

(a) on any person in charge of the land; or

- (b) if no such person can be ascertained, then by affixing the notice upon some conspicuous part of the land and, where the notice is of the proposed survey of a Crown boundary or of the marking out of a road through intervening lands, by publishing the same in the *Gazette*.

## **21. Power of entry on adjoining land**

The Chief Forest Officer, Chief Surveyor or other surveyor employed by the Governor-General may, on any weekday, between the hours of 6 a.m. and 6 p.m., with all proper workmen, servants and assistants, upon giving three days' previous notice in writing to the owner of his intention to do so, enter upon and view any lands adjoining Crown land for the purpose of ascertaining whether any Crown land has been damaged or encroached upon, or whether any boundary marks have been removed or injured.

## **22. General powers of entry**

The Chief Forest Officer, Chief Surveyor or other surveyor employed by the Governor-General may, on giving three days' previous notice to the owner of any land, at any time between the hours of 6 a.m. and 6 p.m., enter upon any land for the purpose of erecting trigonometrical marks, or making observations, or for any of the purposes of this Act or in execution of any of the powers conferred, or for the performance of any of the duties imposed, on them by this Act:

Provided that the owner of such land shall be entitled to compensation for any damage or loss sustained by reason of such entry, and the amount of such compensation shall, upon proof of such damage or loss, be assessed by the Governor-General and shall be paid by him to the owner under the provisions of this Act.

## **23. Exercise of right of entry**

When a right of entry on land is given by this Act or by any law, or by any order or judgement of any court, judge or magistrate, to the Chief Forest Officer, the Chief Surveyor or other surveyor employed by the Governor-General for the purpose of survey or taking possession thereof or asserting any rights thereto or for any other purpose, such power may also be exercised by any agent, servant or other person authorised thereto by and acting under the Chief Forest Officer, Chief Surveyor or other such surveyor:

Provided that such agent, servant or other person, when acting apart, shall be furnished with authority in writing for such entry from the Chief Forest Officer, Chief Surveyor or other surveyor as the case may be.

## **24. Production of plans, documents, etc.**

(1) The Chief Forest Officer, Chief Surveyor or other surveyor employed by the Governor-General, may require production to them respectively, by any person known or believed to be in possession thereof, of all plans and documents of or relating to lands adjoining Crown lands of the boundary of which notice of survey has been duly given; and he may take copies of any such plans or documents as he shall deem necessary.

(2) The Chief Forest Officer or Chief Surveyor may sue for the recovery of all monies due or to become due to Her Majesty on the sale or other disposal of, or in connection with, Crown lands.

## **25. Summary ejectment**

(1) Whenever any person unlawfully enters upon any Crown lands without probable claim of title, the Director of Public Prosecutions, Chief Forest Officer or any person authorised by the Governor-General to prosecute, may exhibit information before a magistrate against such person in respect of such unlawful entry.

(2) On any information being exhibited as aforesaid, the magistrate shall hear and determine the same in a summary manner with the same powers, including the power to order and compel payment of costs, and with the same procedure, unless expressly varied by this Act, as in cases of summary procedure before magistrates under any law regulating the procedure before magistrates.

(3) If, upon the hearing of the information, it shall be made to appear to the satisfaction of the magistrate that the defendant has unlawfully entered upon the land mentioned in the information without probable claim of title, the magistrate shall order the defendant to deliver possession of the land so unlawfully entered on as aforesaid, together with all crops then growing and all buildings and fixtures then being thereon, within fourteen days from the date of such order, to the person authorised by the Governor-General to take possession of the same, and in default of so doing to be imprisoned for any time not exceeding three months. If the magistrate orders the defendant to pay the costs of the proceedings he shall further order the defendant, in default of payment thereof, to be imprisoned for any time not exceeding two weeks.

(4) If, after the expiration of fourteen days from the making of the order, the defendant fails to deliver possession of the land, the crops, buildings and fixtures thereon according to such order, the magistrate, in addition to issuing his warrant for the imprisonment of the defendant, shall also issue his precept to any police officer to deliver possession of the land with all crops, buildings and fixtures thereon, according to the order made for delivery of possession as above-mentioned.

(5) Any decision or order of a magistrate given in any proceedings before him shall be subject to appeal by either party under the provisions of any Act regulating the procedure for appeal against magistrates' judgements in civil matters.

(6) Notwithstanding the provisions of this section and any procedure taken, order made or judgement given hereunder, any party may proceed by action in respect of any land affected by such procedure, order of judgement.

## **26. Offences**

(1) Any person who—

- (a) knowingly and wilfully removes or damages any tree planted upon the boundaries of any Crown land, or any pillar or other mark placed for the purpose of defining the said boundaries, or who knowingly and wilfully defaces any such boundary mark or obliterates any mark, sign, memorial or inscription thereon;
- (b) cultivates or in any manner whatsoever uses or occupies without lawful authority any Crown land;
- (c) hinders, molests, assaults, obstructs or resists the Chief Forest Officer, Chief Surveyor, or other surveyor employed by the Governor-General, or any forest officer, or any person acting under them respectively, in entering on any land for the purposes of this Act, or in the performance of any other duty imposed or authorised, or in the exercise of any rights conferred by this Act;
- (d) conceals or wilfully refuses or neglects to produce within seven days after any demand made for them by the Chief Forest Officer, Chief Surveyor or other surveyor employed by the Governor-General under this Act, any documents or plans;
- (e) removes or defaces any mark used by the Chief Forest Officer, Chief Surveyor or other surveyor employed by the Governor-General in marking out any road under the provisions of this Act,

is guilty of an offence and liable to a fine of five hundred dollars.

(2) Any person who, having been convicted of an offence against this Act, is convicted a second or any subsequent time of any like offence, or of any other offence against this Act, is liable for such second or other offence to a fine of one thousand dollars.

### **27. Arrest without warrant**

The Chief Forest Officer, Chief Surveyor or any forest officer, or any police officer, may, without any warrant, apprehend any person who may be found committing any of the offences enumerated in section 26(1)(a), (c) or (e), and every person so apprehended shall be taken without delay before a magistrate or justice of the peace to be dealt with according to law.

### **28. Disposal of penalties**

All penalties imposed by this Act shall be due to Her Majesty and shall be paid to the Accountant-General for the Consolidated Fund:

Provided that the Governor-General may award a part of any penalty recovered to any person who, in his judgement, may have any meritorious claim thereto.

### **29. Recovery of penalties**

The Director of Public Prosecutions, the Chief Forest Officer, the Chief Surveyor and also any person authorised by the Governor-General, may prosecute for any offence against this Act.

### **30. Jurisdiction to try offences**

Wherever the offence is committed beyond the limits of the first district, the magistrate of such district shall have a concurrent jurisdiction with the magistrate of the district in which the offence was committed to hear and determine the offence.

### **31. Limitation of time for prosecution**

Prosecutions for the recovery of penalties incurred under this Act shall be brought within twelve calendar months next after the commission of the offence and not afterwards.

### **32. Onus of proof**

In any proceeding under this Act—

- (a) brought for the recovery of Crown land or for any offence committed in respect of Crown land, the onus of proof that the land is not the property of the Crown shall be on the defendant or person charged with such offence;
- (b) where anything is charged against any person as having been done without permission of the Chief Forest Office or Chief Surveyor, the onus of proof of such permission shall be on the person charged;
- (c) where any person acts as forest officer, his acts shall be taken as proof of his having been duly appointed as forest officer, unless the defendant or person charged shall give proof that he has not been so appointed;
- (d) where any person exhibits an information or prosecutes as being authorised to do so by the Governor-General, such authority shall be presumed, unless it is proved that such person is not so authorised.

### **33. Rights of Her Majesty not prejudiced**

Nothing in this Act shall be construed to prejudice or limit the rights of Her Majesty, Her heirs and successors.

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### Schedule

By Authority of the Crown Lands Act

To (a) .....  
Take notice that I, the undersigned, being duly thereunto authorised will on ..... day the ..... day of ....., 20....., at the hour of ..... o'clock in the ..... noon commence a survey of the boundary between (b) ..... and the following land that is to say certain land called (c) ..... situate at ..... in the parish of ..... and that I will commence such survey at a point (d) .....

Given under my hand at Saint Vincent and the Grenadines the ..... of ..... , 20.....

(e) .....

- (a) Name of owner of lands – if no such person can be ascertained say “To all persons interested in the land herein described the boundary whereof is to be surveyed”.
- (b) Describe the Crown land.
- (c) Describe the other piece of land.
- (d) Describe point of commencement.
- (e) Signature and office or occupation of individual giving this notice.

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## CHAPTER 319 CROWN LANDS ACT

### SUBSIDIARY LEGISLATION

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*List of Subsidiary Legislation*

1. Crown Lands (Sale) Regulations
  2. Crown Lands (Rent) Regulations
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### Crown Lands (Sale) Regulations

SRO 24 of 1983

**Amended by**

SRO 28 of 2001  
SRO 20 of 2003  
SRO 21 of 2003

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Class of lands to be sold.
3. Procedure.
4. Condition of the application.
5. Making of Crown grant.
6. Agreement regarding Crown grant.
7. Payment of stamp duty.
8. Appeal.
- First Schedule Application to Purchase Crown Land
- Second Schedule Agreement to Purchase Crown Land
- Third Schedule Crown Grant

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**CROWN LANDS (SALE) REGULATIONS**

[SRO 24 of 1983 amended by SRO 28 of 2001, SRO 20 of 2003, SRO 21 of 2003, SRO 22 of 2003.]

[Date of commencement: 30th August, 1983.]

**1. Citation**

These Regulations may be cited as the Crown Lands (Sale) Regulations.

**2. Class of lands to be sold**

The Government may effect the sale of Crown lands in plots, subject to the following conditions, namely—

- (a) the Crown land contiguous to any Crown land already sold or leased alone shall be made available for sale:

Provided that the Minister responsible for lands (hereinafter referred to as the Minister) may, having regard to the public interest and the circumstances of any particular case, direct the sale of any other Crown land;

- (b) the area of each plot of Crown land to be sold shall be such as may be determined by Cabinet;
- (c) in every case the Crown land to be sold shall be surveyed on the applicant producing the receipt of payment deposited in the Treasury; and
- (d) no Crown land which, in the opinion of Cabinet, is required to be retained in the public interest shall be sold.

[Regulation 2(a) amended by SRO 20 of 2003, SRO 21 of 2003 and SRO 22 of 2003.]

**3. Procedure**

(1) Every application for the sale of Crown land shall be made, in the form set out in the First Schedule, to the Minister.

(2) If the application is made in the proper form, it shall be assigned a number and the particulars thereof shall be entered in a register kept for the purpose, including the number of the application, the name and address of the applicant, the district in which the land is situate and the boundaries of the land involved.

(3) The Chief Surveyor shall examine the application and if he is satisfied that the Crown land in respect of which the application is made complies with regulation 2, he may direct the applicant to deposit in the Treasury the sum of four hundred dollars for the survey of the land.

[Subregulation (3) amended by SRO 28 of 2001.]

(4) On the applicant producing the receipt of payment into the Treasury of the survey fee, the Chief Surveyor shall arrange a survey of the land and depute a surveyor who may assign a date and time when the survey of the land shall be made.

(5) The surveyor deputed under subregulation (4) shall give notice of the date and time of his visit to the applicant, and to the neighbouring owners and occupiers of the Crown land, to be present at the time of the visit and inspection, and it shall be open to the applicant to point out the demarcation of the land specified in the application by indicating the boundaries or otherwise.

(6) Every applicant shall render all necessary assistance to the surveyor in the matter of the survey, and the applicant shall also ensure the presence of as many neighbouring owners or occupiers of land as may be available to be present at the time of the survey.

(7) The names of all persons present at the time of the survey shall be noted by the surveyor, who shall also record any objection raised about the demarcation of the land.

#### **4. Condition of the application**

(1) The Chief Surveyor shall, on receipt of the survey report, examine the same and make his recommendations thereon, indicating also the sale price that may be fixed for the land and forward the same to the Minister.

(2) The Minister may, on receipt of the report from the Chief Surveyor, make a final decision about the advisability of the sale having regard to the public interest and obtain the decision of Cabinet thereon and on the sale price to be fixed for the sale of the land.

(3) Where a final decision has been taken for the sale of the land and the sale price thereon has been fixed, the Minister shall inform the applicant and direct him to deposit the sale price of the land to the authorised authority within such period as may be specified but not exceeding six months:

Provided that the Minister may, in certain circumstances, direct that the applicant could pay in installments provided that not less than one-third of the sale price shall be paid within the said period, and the remainder shall be paid in four equal annual installments, the first installment being payable before the expiration of one year after the date of the initial deposit and the subsequent installments being payable annually before the expiry of one year after each installment thereafter.

#### **5. Making of Crown grant**

In a case where an order has been made for the sale of any Crown land and all the formalities in that regard have been completed and the full sale price and any other dues that may be payable to the Government have been remitted to the Treasury, a grant shall be made by the Governor-General in respect of the Crown land in the form set out in the Third Schedule, and every grant so made shall have effect subject to the provisions of the Crown Lands Act, the regulations made thereunder and to the conditions of the grant.

#### **6. Agreement regarding Crown grant**

(1) In every case where a successful applicant has been allowed to make the deposit of the sale price in instalments, an agreement shall be executed, in the form set out in the Second Schedule, before possession of the land is granted.

(2) It shall be a condition of every agreement referred to in subregulation (1) that—

- (a) the land shall be held only on licence;
- (b) the licensee shall not part with his right of possession of the land without the written permission of the Minister;
- (c) on failure to pay any amount due under the agreement, or on the violation of any other condition of the agreement, the Government may terminate the licence and enter upon the land and the licensee shall only be entitled to compensation for the crop, if any, standing on the land at the time of re-entry:

Provided that before the determination of the agreement the licensee had been given six months notice to rectify the breach or failure and he failed to pay or rectify the violation within the given time.

(3) If the Minister is satisfied that the default or violation referred to in subregulation (2) was not wilful, he may allow further time for payment of the amount in default, subject to the payment of an additional amount to cover the interest at the full economic rate, or, as the case may be, for the rectification of the violation, and in every such case the right of re-entry shall be exercised only if there is any further default or violation.

**7. Payment of stamp duty**

On every Crown grant or sale and on every agreement referred to in these Regulations the stamp duty payable under the Stamp Act shall be paid at the time of execution of the document in addition to a fee payable for the preparation of the agreement and grant.

[Chapter 440.]

**8. Appeal**

Any person aggrieved by a decision of the Minister made under these Regulations may, within thirty days of the intimation of the decision to him, appeal to Cabinet whose decision thereon shall be final.

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**First Schedule**

[Regulation 3.]

SAINT VINCENT AND THE GRENADINES

*Application to Purchase Crown Land*

† I, ..... ,  
of .....  
am desirous of purchasing certain Crown lands situate at\* .....  
‡ .....  
‡ .....  
and bounded as follows—

The sale price for land may be fixed in accordance with the Crown Lands (Sale) Regulations, and

§ I am willing to pay the full sale price: .....

§ I may be allowed to pay the sale price in instalments and, upon my being put in possession on that basis under the agreement executed by me, I hereby undertake to evacuate the land if and when called upon to do so at anytime during the period for which I hold the land on the basis of the agreement. On payment of the full amount and on my complying with the condition of the agreement in due course I may be given a deed of sale in respect of the land.

.....  
*Applicant*

- † Christian and surname of applicant.
- ‡ Address and description of applicant.
- \* Describe land with sufficient particulars for identification.
- § Strike off what is not applicable.

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## Second Schedule

[Regulation 6.]

### SAINT VINCENT AND THE GRENADINES

#### *Agreement to Purchase Crown Land*

Memorandum of Agreement made the ..... day of ..... ,  
20 ....., Between the Governor-General of Saint Vincent and the Grenadines acting for and  
on behalf of the Government of Saint Vincent and the Grenadines by his agent .....  
The Chief Surveyor hereinafter called the VENDOR of the ONE PART and .....  
of ..... hereinafter called the PURCHASER of the OTHER PART.

1. The VENDOR agrees to sell and the PURCHASER agrees to purchase ALL THAT piece or  
parcel of Crown Land situate at (full description of land) .....  
..... and being (acreage of land) .....  
..... or thereabouts in quantity at ..... the price of \$ .....  
payable in instalments and subject to the conditions hereinafter mentioned.
2. Immediately upon the signing of this Agreement the PURCHASER shall pay at the Treasury  
an instalment of \$ ..... which acknowledged as a first instalment on account  
of the purchase money and shall pay the balance thereof in four equal yearly instalments of \$ .....  
yearly instalment to be paid on the \* ..... day of ..... in  
the succeeding years.
3. The PURCHASER upon signing this Agreement and paying at the Treasury the first  
instalment of the purchase money shall be put into possession of the land hereby agreed to be  
sold as a mere licensee and the land shall remain the property of the Crown until the obtaining  
of the Crown Grant after the payment of the sale price in full.
4. If the PURCHASER shall have failed to complete the payments in the four year period  
interest agreed upon by Cabinet will be charged on the outstanding balance in respect of the  
land.
5. The PURCHASER shall, within a period of one year of his being put into possession of any  
land which is capable of being used for agriculture, plant at least one half of the acreage of  
land in products of a permanent character such as cocoa, coffee, spices or any other  
permanent crop as may be approved by the Minister, and the PURCHASER undertakes to do  
so.
6. The PURCHASER will not—
  - (a) so long as any part of the purchase money remains unpaid, sell, let, mortgage or assign  
his interest in the land without the consent in writing of Cabinet; or
  - (b) use the land so as to cause a nuisance to the public or other purchaser or lessee of  
adjacent Crown Lands.
7. If the PURCHASER shall fail to pay any instalment of the purchase money and if the same  
shall be in arrear and unpaid for thirty days after the same is due, whether the same has been  
legally demanded or not or if the PURCHASER shall fail to observe or commit a breach of any  
of the conditions of agreements on his part herein set out then all the right and interest of the  
PURCHASER under this Agreement may be forfeited and on the decision of Cabinet it shall  
be lawful for the Chief Surveyor, or any other person as the Minister may nominate, to enter

upon and take possession of the land and to summarily eject the PURCHASER or any other person who may hold for him therefrom without any legal process and as effectually as the Registrar might do on a recovery in ejectment, and in case of such entry and any action being brought therefor the defendant may plead leave and licence and this provision shall be conclusive evidence of leave and licence by the Plaintiff for the entry, trespass or other matters complained of in such action, provided that before exercising the right of re-entry a notice shall be

given to the PURCHASER about the default or violation and a reasonable period not exceeding six months shall be given to make good the default or rectify the violation and if he has failed to comply with the terms and conditions therein contained the right of entry may be exercised straightaway.

- 8. The VENDOR reserves to himself the right to all roads and paths existing upon the land agreed to be sold.
- 9. The VENDOR reserves to himself in fee simple out of the grant hereby agreed to be made all mines, veins, beds, deposits or accumulations of mineral oil already found, or which may hereafter be found, under the premises aforesaid with full liberty at all times for the VENDOR to enter and inspect the same for the purpose of searching for, getting and taking away the said mineral oil, subject to such compensation for injury done to or upon the surface, or to any building standing thereon, as may be determined by two arbitrators, of whom one shall be appointed on behalf of the VENDOR and the other by and on behalf of the PURCHASER or such other private party, if any, interested for the time being in the said premises, or in the event of disagreement between such arbitrators, such compensation as may be determined by any umpire, who shall be appointed in writing by such arbitrators before they enter on the matter so referred to them or on any matter upon which such arbitrators may differ and in such event the decision of the umpire thereon shall be final and binding.

In witness whereof the parties hereto have hereunto set their hands the day and year herein first written.

Signatures of

.....  
*Purchaser*

.....  
*Chief Surveyor*

.....  
*Witness*

\* One year from date of this Agreement. Same day and month as last.

**Third Schedule**

[Regulation 5.]

**SAINT VINCENT AND THE GRENADINES**

*Crown Grant*

*To All whom these Presents shall Come*

Know ye that in consideration of the sum of ..... dollars and  
..... cents paid by .....  
of ..... to the Accountant-General of Saint Vincent and the Grenadines,  
His Excellency the Governor-General of Saint Vincent and the Grenadines do hereby grant on  
behalf of the Government of Saint Vincent and the Grenadines unto the said .....  
..... and ..... heirs all that piece or portion

of land situate on the acquired Estate of .....  
in the Parish of ..... in Saint Vincent and  
the Grenadines being ..... in extent numbered .....  
and bounded as shown and described in the diagram hereunder and also in the plan recorded in the  
Surveys Office or however otherwise the same may be bounded, known or described, together  
with all buildings and appurtenances and easements thereto belonging, to have and to hold the  
said piece or portion of land to the said .....  
heirs and assigns forever subject however to the provisions of the Crown Lands Act (Chapter  
319) or any other law corresponding thereto for the time being in force and to any Regulations  
made thereunder and the conditions therein contained—

If the said ..... shall fail to comply with the provisions of the law  
and the Regulations, the present grant may, pursuant to the same, be revoked at any time after  
such failure, by the Government of Saint Vincent and the Grenadines and the said piece or portion  
of land may be dealt with pursuant to the said law.

The Government of Saint Vincent and the Grenadines reserves to itself in fee simple out of the  
grant hereby made all radio-active minerals, mines, veins, beds, deposits or accumulations of  
mineral oil already found, or which may hereafter be found, under the premises aforesaid with full  
liberty at all times for the Government to enter and inspect the same, for the purpose of searching  
for, getting and taking away the same radio-active minerals, or mineral oil, subject to such  
compensation for injury done to or upon the surface, or to any building standing thereon as may  
be determined by two arbitrators, of whom one shall be appointed on behalf of the Government  
and the other by and on behalf of the Grantee, or for such other private party (if any) interested for  
the time being in the said premises, or in the event of disagreement between such arbitrators such  
compensation as may be determined by an umpire, who shall be appointed in writing by such  
arbitrators before they enter on the matter so referred to them or on any matter upon which such  
arbitrators may differ, and in such event the decision of the umpire thereon shall be final and  
binding.

Signed and sealed by .....  
Governor-General of Saint Vincent and the Grenadines, this ..... day of  
....., 20.....

.....  
*Governor-General*

..... Date of Allotment .....

.....  
*Prepared by*

.....  
*Checked by*

.....  
*Chief Surveyor*

**Crown Lands (Rent) Regulations**

SRO 25 of 1983

**Amended by**

SRO 18 of 1987

Act No. 1 of 1991

SRO 23 of 1995

**ARRANGEMENT OF REGULATIONS**

1. Citation.
2. Application for renting Crown lands.
3. Form of agreement.
4. Application with certificate to be forwarded to Minister.
5. Signature of agreement.

6.	Tenant to have duplicate of agreement.
7.	Chief Surveyor's authority to sign agreement.
8.	Agreement to be filed.
9.	Priority of application.
10.	Terms of agreement.
11.	No exclusive rights of user.
12.	Certain improvements to be made only with approval of Chief Surveyor.
13.	Resumption of possession for public purpose.
14.	Use of Crown property.
First Schedule	Form of Application for Rent of Crown Lands
Second Schedule	Rental of Lands

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## **CROWN LANDS (RENT) REGULATIONS**

[SRO 25 of 1983 amended by SRO 18 of 1987, Act No. 1 of 1991, SRO 23 of 1995.]

[Date of commencement: *30th August*, 1983.]

### **1. Citation**

These Regulations may be cited as the Crown Lands (Rent) Regulations.

### **2. Application for renting Crown lands**

All applications for the renting of Crown lands shall be made to the Chief Surveyor, Lands and Surveys Department, upon printed forms to be obtained from that Department, and shall be submitted in duplicate to the Chief Surveyor.

### **3. Form of agreement**

On the back of the application form there shall be printed a form of agreement containing the conditions on which Crown lands will be rented and the terms on which the agreement shall be approved.

### **4. Application with certificate to be forwarded to Minister**

(1) An application made under regulation 2 shall be entertained by the Chief Surveyor if the same is made out in the required form and presented in the proper manner.

(2) The Chief Surveyor shall have the Crown land in respect of which an application has been inspected by the Crown lands bailiff to ensure that no prohibited area or part of any forest reserve under the Forests Act is included therein.

[Chapter 58 of the Revised Laws 1990 Edition.]

(3) Where the Chief Surveyor is satisfied that the Crown land is not a prohibited area or part of any forest reserve under the Forests Act, he shall forward the application, together with the certificate of the Crown lands bailiff, to the Minister for his approval.

(4) The Minister may, having regard to the land and the purpose for which it is to be used, and with the approval of Cabinet, approve the application.

### **5. Signature of agreement**

Where the Minister approves the application, the agreement appended to the application shall be completed and signed by the applicant, and by the Chief Surveyor on behalf of the Government, in the presence of a witness, and upon payment by the

applicant of the amount payable by him as agreed upon he shall be let into possession of the land.

#### **6. Tenant to have duplicate of agreement**

Every person to whom Crown land is rented shall, on request, be entitled to receive a duplicate of the agreement signed by the Chief Surveyor.

#### **7. Chief Surveyor's authority to sign agreement**

(1) The Chief Surveyor shall, in respect of any case where the Minister has approved the application, have power and authority to enter into and sign an agreement for the rental of Crown land for the best rent available.

(2) Every agreement to rent Crown land shall be in such form containing such conditions as may be approved by the Governor-General.

#### **8. Agreement to be filed**

The Chief Surveyor shall maintain a permanent file for the rental of every Crown land and he shall also keep a register of all Crown land rented which shall contain such particulars as the Minister may specify.

#### **9. Priority of application**

The Chief Surveyor shall cause to be recorded on each application the hour and date of receipt and give priority to applications in the order of their receipt in the Lands and Surveys Department.

#### **10. Terms of agreement**

The conditions of tenure of the land shall be as set out in the form of Agreement in the First Schedule.

[Regulation 10 amended by SRO 23 of 1995.]

#### **11. No exclusive rights of user**

No exclusive rights of user shall vest in any person to any existing path or tract or to any spring, stream or other natural source of water situated in or flowing through any Crown land rented to a person.

#### **12. Certain improvements to be made only with approval of Chief Surveyor**

None of the improvement as are specified in Appendix I of the First Schedule shall be made except with the previous written approval of the Chief Surveyor which shall be given only if Cabinet is satisfied that it is necessary in the public interest to accord the permission and subject to such conditions as may be imposed by Cabinet.

[Regulation 12 amended by SRO 23 of 1995.]

#### **13. Resumption of possession for public purpose**

The Minister may, if he is satisfied that the whole or part of any Crown land that has been rented is required for any public purpose, direct the resumption of possession of the land subject to the payment of compensation for the value of such crops and improvements on the land resumed as set out in Appendix II of the First Schedule.

[Regulation 13 amended by SRO 23 of 1995.]

**14. Use of Crown property**

(1) Notwithstanding anything contained in these Regulations, the Minister shall establish rates payable as rent for the use of Crown property anywhere in Saint Vincent and the Grenadines at such rate as he may deem appropriate.

(2) The Minister may direct that rents payable under subregulation (1) should be paid into the Consolidated Fund or paid to and for the use of the Kingstown Board or other local government authority or other public authority.

(3) No agreement made under subregulation (1) shall constitute a lease and every agreement shall be terminable on one month's notice.

**First Schedule**

[Regulation 2. First Schedule amended by SRO 23 of 1995.]

*Form of Application for Rent of Crown Lands*

No. ....  
Year .....

1. Full name of applicant: Address Occupation	..... ..... .....
2. Extent situation and boundaries of land applied for:	.....
3. Date and hour of receipts of application at Lands and Surveys Department:  To be left blank by applicant	.....  

*Form of Agreement*

SAINT VINCENT AND THE GRENADINES

An agreement made the ..... day of ....., 20..... ,  
Between ..... Chief Surveyor of Saint Vincent and the Grenadines on behalf of the Government of Saint Vincent and the Grenadines (hereinafter called the LANDLORD) of the ONE PART and .....

of ..... (hereinafter called the TENANT)  
of the OTHER PART, WHEREBY it is agreed as follows—

1. The landlord shall let and the tenant shall take all that lot piece parcel of land situate at ..... in the parish of ..... in Saint Vincent and the Grenadines containing ..... acres more or less and bounded as follows—  
.....  
from year to year commencing on the above date until the tenancy shall be determined at the end of the first of any subsequent year by six calendar months previous notice in writing given by either party ..... to the other at a rent of ..... payable in advance.
2. The tenant shall not sublet or part with possession of the land hereby rented or of any portion thereof without the permission in writing of the Chief Surveyor.
3. The tenant shall not keep or kindle or permit to be kept or kindled any fire on the said land except for the following purposes—
  - (a) the cooking of food;
  - (b) the burning of charcoal or forest produce under licence duly issued by the Chief Forest Officer;

- (c) burning of bush, weeds, crop waste or other organic matter as deemed necessary by law or with the permission and direction of the Chief Surveyor or his duly authorised agent or agents.
4. The tenant shall not remove, nor permit the removal of, any forest produce from the land save under a licence duly issued by the Chief Surveyor, or his duly authorised agent, in accordance with the Crown Lands Forest Produce Rules.

[Chapter 58 of the Revised Laws 1990 Edition. Crown Lands Produce Rules.]

5. The tenant may be permitted to keep or pasture any live stock upon the said land, subject to the written permission of the Chief Surveyor.
6. The tenant shall not cut down, fell, destroy or injure any tree specified in Classes I, II and III in the Second Schedule to the Crown Lands Forest Produce Rules nor any tree specified in Classes IV and V which shall measure more than four inches in diameter, nor shall he remove, injure or destroy any grass, trees, walls, fences, hardwood pegs or concrete posts which are being used to mark and preserve the boundaries of the area or of individual holdings. He shall cultivate the tenancy in a proper and husband-like manner as approved and directed by the Chief Surveyor or his duly authorised agent or agents. He shall take steps to control pests and diseases, to carry out soil and water conservation measures and to maintain all types of contour bunds and/or barriers which occur within the area, and perform any agricultural measures which the Chief Surveyor or his duly authorised agent or agents may deem fit.
7. The tenant shall not raise or remove or suffer to be raised or removed, any minerals from the said land nor shall he remove or permit to be removed manure of vegetable matter suitable for return to the land for composting or for the making of pen manure.
8. The Chief Surveyor or his agents shall at all times have right of access to the said land and may enter upon it freely without let or hindrance.
9. A duplicate of this agreement shall be kept in the possession of the lessee and shall be produced within twenty-four hours on demand by any forest officer or police officer. In the event of loss of this agreement form, the matter shall be reported to the Chief Surveyor in writing who may direct the issue of a copy of the agreement at a charge of one dollar.
10. On the termination of this agreement, any plants or produce left growing or lying upon the said land shall become the property of the Crown.
11. The tenant shall not erect any buildings upon the said land without the permission in writing of the Chief Surveyor.
12. The tenant shall carry out such instructions with regard to the crops to be grown on the said lands, the methods of cultivation and the area to be cultivated as may from time to time be given by the Chief Agricultural Officer or his duly authorised agent or agents.
13. The tenant shall not undertake any improvements on the said land except such as are mentioned in Appendix I to this Agreement.
14. The Chief Surveyor, or his duly authorised agent or agents, shall have the right, on giving one week's notice in writing to the tenant, to plant trees on the said land and, if this be done, the tenant shall tend and care for any such trees in a husband like manner during the continuation of his tenancy.
15. The Chief Surveyor shall not be held responsible for any damage to the crops or property of the tenant occasioned by the entry of himself or his agents upon the said lands, nor shall the tenant be entitled to any compensation in respect thereof.
16. The tenancy may be determined by six months notice in writing given by either side.
17. The Chief Surveyor doth hereby for himself and his successors in office COVENANT with the tenant his executors and administrators as follows—
- (a) that upon the termination of the tenancy, if the tenant shall have performed and satisfied all his obligations to the landlord in respect of the holding, the tenant shall be entitled to compensation for the improvements specified in Appendix II hereto;
- (b) that so long as the tenant shall pay the rent hereby reserved and perform the covenants on his part herein contained he may, subject to the provisions of regulation 13 of the Crown Lands (Rent) Regulations, hold and quietly enjoy the said lands hereby rented during the said tenancy without interruption by the Chief Surveyor or any person claiming under or through him:

Provided always that if the rent reserved or any part thereof shall be in arrear for seven days after the same shall become due (whether any formal or legal demand for the same shall have been made or not) or if the tenant, his executors or administrators shall not observe all the

covenants and provisions hereinbefore contained, it shall be lawful for the Chief Surveyor or his successor in office to re-enter upon the said lands hereby rented or any part thereof in the name of the whole and the same to peaceably hold and enjoy thence forth as if this Agreement had not been made:

And Provided that the Minister may at any time direct the resumption of possession of the whole or part of any Crown land rented by him if it is required for a public purpose on paying compensation for the value of such crops as may be on such selected land or portion thereof, and also for such improvements as have been effected by the tenant, and compensation shall be assessed by any officer authorised by him having regard to Appendix II.

In witness whereof the said parties hereto have hereunto set their hands the day and year before written.

.....

*Tenant*

In the presence of: .....

.....

In the presence of: .....

.....

*Chief Surveyor*

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#### APPENDIX I

Improvements for which the consent of the Minister is required—

- (a) dwelling and farm buildings;
- (b) irrigation works;
- (c) permanent crops;
- (d) trees of economic value;
- (e) roads, bridges and traces;
- (f) land drainage systems;
- (g) the control of gullies and water courses;
- (h) fences, hedges and windbreaks;
- (i) anti-erosion measures on cultivable land.

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#### APPENDIX II

Compensation on termination of contract.

The tenant shall be entitled to compensation for the following improvements only when made with the consent or with the direction of the Minister—

- (1) Buildings (not including temporary or moveable structures, for example, wattle and daub huts, cow-pens, etc.)
- (2) Trees of economic value established on cultivable areas
- (3) Established pastures
- (4) Permanent and semi-permanent crops
- (5) Irrigation works
- (6) Roads and bridges

- (7) Establishment of soil erosion barriers
- (8) Establishment of contour trench system
- (9) Gully and watercourses control measures
- (10) Trees of economic value established on areas which are required to be left under cover for the purpose of erosion control
- (11) Establishment of wind breaks.

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**Second Schedule**

[Second Schedule inserted by SRO 23 of 1995.]

*Rental of Lands*

(a)	House spots .....	\$60.00 per annum
(b)	Agriculture Lands .....	\$120.00 per annum

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