

S.I. 37 of 2024

STATE LAND AND RIVER RESERVES ACT

(Cap 228)

**State Land and River Reserves (Disposal of State Land to Foreign
States and International Organisations) Regulations, 2024**

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S.I. 37 of 2024**STATE LAND AND RIVER RESERVES ACT***(Cap 228)***State Land and River Reserves (Disposals of State Land to Foreign States and International Organisations) Regulations, 2024**

In exercise of the powers conferred by section 42 read with section 6 (4) (b) of the State Land and River Reserves Act, the President makes the following regulations —

Citation

1. These Regulations may be cited as the State Land and River Reserves (Disposals of State Land to Foreign States and International Organisations) Regulations, 2024.

Interpretation

2. In these Regulations, unless the context otherwise requires —

“Act” means the State Land and River Reserves Act (Cap 228);

“Minister” means the Minister responsible for land matters.

Disposal of State land

3.(1) State land leased to a Foreign State or International Organisation for the purpose of building a Chancery or an office for the discharge of their official duties shall be subject to these Regulations.

(2) Notwithstanding subregulation (1), the leased land may be partly used for residential purposes where the residence forms part of the development accommodation of the Chancery or office.

(3) Notwithstanding subregulation (1), the Republic may dispose of State land at the market value or any other value to a Foreign State or International Organisation for any other purpose.

(4) Where disposal under subregulation (3) is by way of a lease, these Regulations shall apply *mutatis mutandis*.

Determination of application, assessment and identification procedure

4. The Minister responsible for foreign affairs and the Minister responsible for lands shall determine the procedure for application, assessment and identification of State land for the disposal under regulation 3(1).

Terms and conditions of lease

5. The grant of the lease shall be subject to the following terms and conditions —

- (a) the term of the lease shall not exceed 60 years, subject to renewal by mutual agreement of the parties to the lease agreement;
- (b) the rent payable shall be at a discounted rate of 50% of the market rent of the leased land;
- (c) a more preferential discounted rate than that under paragraph (b) may be agreed in special circumstances, subject to the approval of the President;
- (d) a non-refundable premium equivalent to the first year's rent shall be paid upon signature of the lease, and rent shall become due and payable after the end date of a grace period of the first 18 months of the term of the lease and shall be paid half yearly in advance;
- (e) the rent payable shall be subject to review every 5 years during the term;
- (f) the revised rent shall be based on the market rental of the leased land only (excluding any and all buildings and

infrastructure works undertaken by the lessee) and applying the same percentage discount granted at the start of the term granted;

- (g) the new rent payable shall not exceed an amount equivalent to 15% of the rent due and payable at the relevant time under the lease;
- (h) the Foreign State or International Organisation shall commence the permitted development within 18 months from the date of signature of the lease;
- (i) the permitted development shall be completed within 24 months from the date of signature of the lease or within a longer period as may be agreed upon between the parties depending on the extent of the permitted development;
- (j) the permitted development shall be subject to approval by the relevant public authority and shall conform to the current development plan of the area where the leased land is situated;
- (k) in addition to section 39 of the Land Registration Act, Cap 107, upon the expiration of the term of the lease, the leased land shall revert to the Republic, inclusive of all buildings and structures on the land without any compensation or indemnity payable to the Foreign State or International Organisation by the Republic;
- (l) the Republic shall bear the cost of the registration and stamping of the first lease agreement, after which, the cost of any other subsequent transaction and revised rent shall be borne by the Foreign State or International Organisation.

Termination of the lease agreement

6. A lease agreement shall terminate in any of the following circumstances —

- (a) a serious breach of the international convention or headquarters agreement which applies to the Foreign State or International Organisation;
- (b) consistent non-payment of rent;
- (c) termination of diplomatic or working relations between the Government of Seychelles and the Foreign State or International Organisation;
- (d) mutual agreement between the parties;
- (e) failure to develop the leased land within the stated period or failure to discharge other material conditions of the lease agreement;
- (f) any other infringement of the provisions of the lease agreement.

Renewal of the lease

7.(1) The Foreign State or International Organisation may, within 6 months from the expiration of the term of the lease give notice to the Republic of its intention to renew the lease for another term of 60 years or less.

(2) The Republic shall take into consideration the provisions of regulation 6 and approve or reject the request for renewal.

(3) If the request for renewal is approved the rent payable under the new lease shall be based on the full market rental value of the land.

MADE this 6th day of May, 2024.

WAVEL RAMKALAWAN
PRESIDENT
