

LAWS OF DOMINICA

STATE LANDS ACT

CHAPTER 53:01

Act
27 of 1958
Amended by
24 of 1960
12 of 1990

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**Index
of
Subsidiary Legislation**

	Page
State Lands Regulations	9
Estate of Thomas Howell Vanterpool Deceased (Vesting) Order	21

CHAPTER 53:01

STATE LANDS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Appointment of Director.
4. Sale, etc., of State lands.
5. Regulations.
Regulations to be published in *Gazette*.
Lands to revert to Government upon breach of conditions.
President may at any stage refuse to issue grant of lease.
6. Accountant General to collect all moneys.
7. Duties of Director with respect to State lands.
8. Making of surveys.
9. Authority by Director to inspect plans.
Duty to answer questions as to boundaries.
10. Powers of entry of Director.
11. Custody of records, etc.
12. Penalty for surveying State lands without order.
Penalty for trespassing on State lands.
Penalty for removing stone, gravel, etc., from State lands.
13. Power of Magistrate to issue summons.
14. Proceedings against person who has not paid purchase money
of State lands.
15. Repayment of purchase money paid.
16. Director may lay information by deputy.
17. Petition and proceedings thereon to be received in evidence.
18. Penalty for molesting and obstructing Director.
19. Application for summons to show cause why vacant land
should not be declared property of State.
20. Granting, publication and service of summons.
21. Appearance, etc., of person claiming.
22. Barring of claim.
23. Hearing and determination of claim.
24. Saving.

CHAPTER 53:01

STATE LANDS ACT

1961 Ed.
Cap. 169.
27 of 1958.

AN ACT relating to the administration and disposal of State lands.

Commencement.

[31st March 1960]

Short title.

1. This Act may be cited as the –
STATE LANDS ACT.

Interpretation.

2. In this Act –

Ch. 60:01.

“State lands” mean all lands within the State other than forest reserves within the meaning of the Forest Act vested in the State or vested in the President for the public uses of the State and shall include all lands which have been escheated to the State or may hereafter be otherwise acquired by the State;

“Director” means the Director of Surveys and Commissioner of Lands.

Appointment of
Director.
[12 of 1990].

3. There shall be in the public service a Director of Surveys and Commissioner of Lands who shall discharge the duties imposed by this Act.

Sale, etc., of
State lands.

4. The President may from time to time grant, sell, exchange or lease any State lands, or any right or easement in or over them or any of them for such price or consideration or rent, and for such estate or term of years and on such conditions and with such reservations, if any, as he may think reasonable; but all minerals and oil shall be and are hereby reserved to the State.

Regulations.

5. (1) The President may make Regulations with regard to –
- (a) the survey, management, lease, sale, disposal, occupation and allotment of State lands and the custody of the records thereof;
 - (b) the price of such lands and the mode of payment thereof;
 - (c) the prevention of squatting, trespass or encroachment thereon and of spoil or injury to the woods thereon; and

(d) the penalties in respect of a breach or neglect of such Regulations and the mode of recovery of the same.

(2) Regulations made under this section, and every condition and reservation as aforesaid shall be published in the *Gazette*, and, when so published, shall have the same effect as if enacted by this Act.

Regulations to be published in *Gazette*.

(3) If the grantee or lessee of any State lands neglects to comply with the conditions contained in the grant or lease, or any of them, the grant or lease may be revoked and determined forthwith, and the lands revert to the State.

Lands to revert to Government upon breach of conditions.

(4) Nothing in this Act or in the Regulations to be framed hereunder shall in anywise prevent the President from, in any case, at any stage of the proceedings, refusing to issue a grant or lease; but if in any case he so refuses under circumstances not provided for in the said Regulations, all moneys previously paid or deposited by the applicant shall be returned to him.

President may at any stage refuse to issue grant of lease.

6. The Accountant General shall collect and receive all moneys payable under this Act, and all such moneys shall form part of the general revenue of the State.

Accountant General to collect all moneys.

7. The Director shall, under the direction and control of the President, superintend the settlement, letting and allotment of State lands.

Duties of Director with respect to State lands.

8. The Director shall make such surveys as the President may direct.

Making of surveys.

9. (1) The Director or any of his assistants duly authorised in writing may, where he has reasonable grounds to believe that any land owner is in possession of lands suspected to be adjoining State lands, and where boundaries of such lands are doubtful, request the landowner to produce for inspection his plans, deeds or other documents as may be necessary for verifying the boundaries.

Authority by Director to inspect plans.

(2) Every occupier of land adjoining any State lands shall be bound, whenever required by the Director or any of his assistants duly authorised in writing, to answer to the best of his knowledge, information and belief, all such questions of any of the said persons relating to the boundaries of any adjoining land.

Duty to answer questions as to boundaries.

(3) Any occupier acting in contravention of this section is liable to a fine of one thousand dollars.

Powers of entry of Director.

10. The Director may at all times during the daytime, with all proper servants and assistants, enter into and upon and view or survey any lands adjoining any State lands, for the purpose of ascertaining whether State lands have been encroached upon; but the Director shall, before entering upon such lands, give at least three days' notice in writing of his intention to enter upon such lands to the owner or occupier of such lands, either personally or by sending such notice by registered post to his last known place of abode.

Custody of records, etc.

11. The Director shall have the charge and custody of all records, papers, documents, maps, surveys, plans and diagrams of and relating to State lands.

Penalty for surveying State lands without order.

12. (1) It shall not be lawful for any person to commence to survey any State lands without an order or licence in that behalf signed by the President or the Director. Any person acting in contravention of this subsection is liable on summary conviction to a fine of one thousand dollars.

Penalty for trespassing on State lands.

(2) Any person found trespassing on State lands is liable on summary conviction to a fine of two hundred and fifty dollars.

Penalty for removing stone, gravel, etc., from State lands.

(3) Any person who removes any stone, gravel or any matter or thing whatsoever from State lands, whether the same be affixed to the soil or not, shall be guilty of an offence, and shall be liable, on summary conviction, to a penalty not exceeding two hundred and forty dollars, and may, in addition, be ordered to pay the value thereof.

Power of Magistrate to issue summons.

13. (1) Any Magistrate, upon the sworn information of the Director that any person is in wrongful possession of State lands, may issue a summons calling upon that person to appear before him and answer to the information.

(2) If that person having been duly summoned, does not appear, or appearing, fails to satisfy the Magistrate that he, or those under whom he claims, has or have some probable claim or pretence of title to the land, the Magistrate shall make an order ejecting that person, and putting the Director in possession of the said land.

14. (1) If in any case it is made to appear to any Magistrate upon information by the Director that any person is in possession of any land for a grant whereof a petition has been filed, but that the purchase money or any part thereof is in arrear and unpaid, the Magistrate may issue a summons calling on that person to appear before him and answer to the information.

Proceedings against person who has not paid purchase money of State lands.

(2) If that person having been duly summoned does not appear, or appearing, fails to satisfy the Magistrate that the whole of the purchase money has been paid, the Magistrate shall make an order ejecting that person, and putting the Director in possession of the said land; but if the defendant pays the purchase money or such part thereof as is due and owing and the cost of the grant of the land, and such sum as the Magistrate may order as costs of suit, to the Director, the Magistrate shall report the fact of the payment to the President, and thereupon a grant of the land shall issue to the defendant.

15. The Magistrate shall, on making an order of ejectment under this Act, make a further order that such sum or sums of money, if any, as have been paid by the defendant in respect of purchase money for the land which is the subject matter of the order of ejectment, be paid to the defendant by the Accountant General, and the Accountant General shall pay the amount so ordered to be paid from general revenue.

Repayment of purchase money paid.

16. Any information required by this Act to be laid by the Director may be laid by any person duly authorised by him in writing, in that behalf; and it shall not be necessary in any such information to state, or at the hearing thereof to prove, when possession of the land mentioned in the information by the defendant or by those under whom he may claim title, commenced.

Director may lay information by deputy.

17. On the hearing of any information under this Act a copy of any petition for a grant of land and any proceedings on such petition, which is certified under the hand of the Director to be a true copy, shall be admissible in evidence without any further proof of the same.

Petition and proceedings thereon to be received in evidence.

18. Any person who molests or obstructs the Director or any other person in the execution of any duty under this Act, is liable on summary conviction to a fine of five hundred dollars.

Penalty for molesting and obstructing Director.

Application for summons to show cause why vacant land should not be declared property of State.

19. When any land is unoccupied, or is occupied by a person who appears to the Director to have no title, the Director shall make an affidavit that such land is unoccupied, or occupied by a person who, to the best of his knowledge and belief, has no title thereto, and the Attorney General may on such affidavit, apply to the High Court or a Judge, for a summons to all persons claiming an interest in the land to show cause why the land should not be declared to be the property of the State.

Granting, publication and service of summons.

20. The Court or Judge shall grant such summons, which shall be published by advertisement in the *Gazette*, and such newspaper of the State as the Court or Judge may direct during a period of six months, and shall be served on all persons living upon the land, in the first and last month of such period.

Appearance, etc., of person claiming.

21. Any person claiming an interest in such land shall within seven days of the last publication of the said summons, file an appearance, either in person or by his solicitor, in the office of the Registrar, and shall within fourteen days from the date of the appearance, lodge in the said office a written claim containing a statement of the reason on which the same is founded.

Barring of claim.

22. Any interest in such land, in respect of which an appearance and claim have not been duly filed and lodged within the periods mentioned in section 21, and every claim in respect thereof, shall be forever barred and precluded, and in such case the Court or Judge shall, on the application of the Attorney General, make an order declaring such land to be vested absolutely in the State; but the Court may, for sufficient cause shown, extend the time for filing an appearance to the summons, and for lodging a written claim as aforesaid.

Hearing and determination of claim.

23. When any such claim has been lodged as aforesaid the Registrar shall inform the Judge, who will fix a day for hearing the summons in Chambers, and upon the hearing the Judge shall either confirm or disallow the claim, and declare the land to be vested absolutely either in the State or in the claimant, or make such other order on the merits, and such order as to cost, as justice may require.

Saving. 1/1915.

24. All Regulations made under the Crown Lands Ordinance, 1915, shall be deemed to have been made under this Act, and shall continue in force until other provision is made under this Act.