

**SUBSIDIARY LEGISLATION**

**STATE LANDS REGULATIONS**

**ARRANGEMENT OF REGULATIONS**

REGULATION

1. Short title.
2. Interpretation.
3. State lands officer.
4. Register of State grants.
5. Conditions attaching to sale of land.
6. Conditions of agricultural lease.
7. Applications.
8. Advertisement of application and notice of sale.
9. Price of State land.
10. Payment.
11. Completion of sale and issue of grant.
12. Default in payment of purchase money.
13. Special rules applicable to lands held by persons at sufferance and at will.
14. Squatters.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

**SUBSIDIARY LEGISLATION**

**STATE LANDS REGULATIONS**

*made under section 5*

49/1960.  
[28/1961  
13/1963  
12 of 1990].

Commencement.

[29th December 1960]

Short title.

1. These Regulations may be cited as the –  
STATE LANDS REGULATIONS.

Interpretation.

2. In these Regulations –

“State grant” means every instrument effecting a sale of State lands under these Regulations and also the renewal of any lease;

“State lands” has the same meaning as in the Act;

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

“lease” means a term of years and includes a licence;

“sale” means a sale by way of conveyance of the fee simple absolute and includes every grant, exchange or lease of State lands under these Regulations;

“The Act” means the State Lands Act.

State lands officer.

3. There shall be appointed a State lands officer who shall be responsible for undertaking all such duties in connection with the State lands office as may from time to time be assigned to him by the President or by the Director.

Register of State grants.

4. (1) There shall be kept at the office of the Director a register of all leases and sales of State lands made under these Regulations together with a copy of the State grant survey and diagram of survey and all other documents connected therewith.

(2) Certified copies of all State grants, diagrams of survey and all other documents connected therewith may be made by the Director and obtained by any person desiring them on payment of the fees prescribed in the Second Schedule.

5. In every sale of State lands the State reserves –

Conditions  
attaching to sale  
of land.

- (a) all roads, paths, passages or tracks over and upon State lands or any part thereof which the Director may cause to be marked on the plan of the said lands;
- (b) the exclusive use of such portions of the lands as may be indicated on the plan by the Director, as being reserved for public purposes, the same being not less than five chains on either side of the head waters of any river or stream;
- (c) all minerals upon or under the said lands, with full liberty at all times to search, dig for and carry away such minerals, and for such purposes to enter upon such lands or any part thereof;
- (d) all mineral oils upon or under the said lands, with full liberty at all times to enter upon the said lands for the purpose of searching for, winning and taking away all and any mineral oil found therein.

6. (1) Every lease of State lands for agricultural purposes made under these Regulations shall, in addition to any other conditions and reservations provided for by these Regulations or by the lease, be subject to the following conditions, that is to say –

Conditions of  
agricultural lease.  
[12 of 1990].

- (a) where the land does not exceed ten acres in area at least fifty per cent of the cultivable area shall be properly developed to the satisfaction of the Minister with the advice of the Chief Technical Officer and the State lands officer before an option to purchase may be exercised, or any application for the sale of the fee simple absolute shall be entertained;
- (b) where the land exceeds ten acres but does not exceed one hundred acres at least sixty-six and two-thirds per cent of the cultivable area shall be properly developed to the satisfaction of the Minister with the advice of the Chief Technical Officer and the State lands officer before an option to purchase may be exercised or any application for the sale of the fee simple absolute shall be entertained.

(2) The cultivable area shall be determined by the Minister after seeking the advice of the committee appointed by him and

consisting of the Chief Technical Officer and a member of the agricultural advisory committee.

(3) Nothing in subregulation (1) shall prevent the renewal in accordance with the provisions of regulation 13 of any lease where an option to purchase is not exercisable.

(4) All leases shall include a requirement for specified minimum development during their effective periods and shall be surrendable at fixed stages if the requirements are not met, and shall provide also that the option to purchase shall be nullified if the required development is not undertaken by the end of the period specified in the lease.

(5) In the event of any dispute or difference arising between a lessee and Government in connection with determination of degree of development by the Minister of land leased for the purpose of regulations 6 and 9, the dispute or difference shall be heard and determined by two arbitrators one of whom shall be a senior agricultural officer other than the Chief Technical Officer nominated by the Minister and a member of the agricultural advisory committee nominated by the aggrieved person.

The person desiring the arbitration shall, within a fortnight of the receipt of notification from the Director of the decision of the Minister serve a notice in writing on the Director intimating his desire, and the notice shall be promptly forwarded to the Minister.

The decision of the arbitrators as to the dispute or difference shall be final and binding on both parties.

**Applications.**

7. (1) Applications for the sale or lease of State lands shall be made to the Director in the form or in like form to that contained in the First Schedule, and shall be accompanied by the survey and advertisement fees prescribed by the Second Schedule; but the President may permit the payment by instalments of the survey and all other fees.

(2) On receipt of the application the Director shall forward the same, together with his report thereon, for the consideration of the President.

(3) If the President sees fit to entertain the application he shall return the same to the Director and authorise a survey of the land to be made, or of so much of the land applied for as he may authorise to be surveyed.

(4) If the President does not entertain the application, the Director shall so inform the applicant and cause to be repaid to him all sums already paid by him.

(5) (a) Where the application is entertained, the Director shall proceed to make the necessary survey and diagram of the land authorised by the President to be surveyed.

(b) Where the Director is unable to make the survey he may employ a surveyor to do the same for such fees as may be authorised by the President.

(c) Where a survey made by a surveyor other than the Director already exists, the Director may in his absolute discretion accept such survey for submission to the President under subregulation 6.

(6) On completion of the survey the Director shall again submit the application, together with a copy of the diagram of survey, to the President and shall report whether in his opinion the land applied for is State land and may be rightly sold or leased by the State, and that the sale or lease of the land will not cause deterioration of other State lands, or be otherwise prejudicial to, or interfere with the rights and interests of the State.

(7) When after final consideration of the application, the President is of opinion that he can properly, in accordance with these Regulations, authorise the sale or lease of the land applied for, he shall so inform the Director who shall thereupon notify the applicant accordingly, and of the date and place fixed by him for the sale.

8. (1) After the applicant has been notified as in regulation 7(7), the Director shall insert in three consecutive issues of the *Gazette* an advertisement setting out the application received and giving notice that the lands will be leased or sold at the time and place to be named in the advertisements, and further giving notice that if anyone lays claim to the said lands he must give notice to the Director within two weeks next after the publication of the last advertisement.

Advertisement of  
application and  
notice of sale.

(2) If no notice laying claim to the lands is received, the lands shall be sold or leased to the applicant; but the Director may, if he thinks fit, postpone the sale or lease and report his reasons for so doing to the President who may give him such instructions as are necessary.

[Subsidiary]

State Lands Regulations

(3) Except in the case of a lease, each advertisement shall state whether it is the first, second or third advertisement, and the date fixed for sale shall not be less than one month after the date of the last advertisement.

(4) The advertisement aforesaid may also, at the expense of the applicant, be inserted in such local newspaper as the President may direct.

Price of State  
land.

9. (1) The purchase price of State lands, or the rental to be paid in respect of such land, shall be such an amount, or at such rate or rates, as the President shall from time to time determine upon the recommendations of a committee to be known as the State Lands Valuation Committee; but when an option to purchase is exercised by a lessee who has paid his rent, the rental shall be deducted from the purchase price.

(2) The Committee shall consist of –

- (a) the Chief Technical Officer or a senior agricultural officer nominated by the Chief Technical Officer who shall be Chairman of the Committee;
- (b) the State lands officer or such other person or persons as the President in any particular case may deem suitable to appoint;
- (c) a member of the agricultural advisory committee as may be nominated from time to time by the Chairman of that committee, to serve on the State Lands Valuation Committee, in respect of any particular area of the State, or in respect of any particular parcel of State lands.

Payment.

10. (1) Where the sale is a conveyance of the fee simple absolute the following rules shall apply:

- (a) where the land purchased does not exceed ten acres, all sums due in respect of the same shall be paid to the Director forthwith;
- (b) where the land purchased exceeds ten acres, all sums due in respect of the same shall be paid to the Accountant General within thirty days of the sale;
- (c) in addition to the survey and advertisement fees, and the purchase price of the land, the fees set out in the Second Schedule, for the grant and registration at the State lands

office, due to the Attorney General and the Director, shall be paid by the purchaser on completion of the sale to the Accountant General;

(d) if on completion of survey the land applied for is found not to be State lands the applicant shall forfeit the survey fee;

(e) all fees, purchase money, costs and expenses under these Regulations shall be paid to the Accountant General, who shall give a receipt for the same.

(2) Where State lands are leased the rent shall be payable at the times provided in the lease to the Accountant General.

11. On payment of the whole of the purchase money, and all fees, costs and expenses, the sale will be completed and a State grant for the fee simple absolute shall be issued either in the form set out in the Third Schedule or in the appropriate form.

Completion of sale and issue of grant.

12. If default is made in payment of the purchase money, or in payment of any money due for expenses at the time or times prescribed by these Regulations for the payment of the same respectively, the Director may either proceed to recover the same as a debt, or with the approval of the President, resume possession of the land sold, and may with the permission re-sell the land so resumed in accordance with these Regulations and if the amount received for the lands is in excess of the amount of purchase money and expenses, if any, unpaid, the Financial Secretary shall, on the warrant of the President, pay so much of the excess as is sufficient to reimburse him for his expenses to the person in default, but if the amount realised at the sale is less than the amount owing, the person in default shall continue liable for the balance.

Default in payment of purchase money.

13. No application for a State grant of any land held by persons at sufferance for less than twelve years or by persons who have occupied the same under leases from the State which have expired will be received from such persons, except in accordance with the following rules:

Special rules applicable to lands held by persons at sufferance and at will.

(a) the person by whom the said lands are held may apply in accordance with these Regulations to the Director for a State grant of such lands;

(b) the application must be accompanied by –

- (i) the lease under which the land is or has been held or evidence to the satisfaction of the President of the contents thereof; but where no lease has been made this requirement shall be dispensed with;
- (ii) a diagram of survey of the land in question prepared by the Director exhibiting the situation, extent and boundaries of the land required;
- (c) where there is no such diagram in existence the land must be surveyed at the expense of the holders;
- (d) the application may also be accompanied by any particulars which the applicant may wish to advance as grounds for his obtaining the land at a reduced rental or purchase price;
- (e) the President may grant the application of any such person aforesaid without advertisement;
- (f) subject to the provisions of this regulation payment of any purchase price and fees must be made as provided in these Regulations.

**Squatters.**

14. (1) Subject to the provisions of section 5(1) of the Act, every squatter who has, for not less than twelve years, settled on State lands and has improved the same to the satisfaction of the President may make application for a State grant of the said land or any part thereof before proceedings are instituted for his ejection.

(2) If the President is satisfied as aforesaid the squatter shall be entitled to a State grant for the fee simple absolute of the said land and a State grant will be issued to him on payment of the purchase price “determined by the President under these Regulations.

(3) No further fee or charges prescribed by these Regulations shall be due or payable by the squatter.

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FIRST SCHEDULE

Regulation 7.

APPLICATION TO PURCHASE STATE LANDS IN DOMINICA

To the Director of Surveys and Commissioner of Lands, Dominica.

I (a)..... hereby apply to purchase/ (a) Names to be lease subject to the conditions set out in the State Lands Regulations, to which given in full. I agree the State land described below.

No. of acres applied for .....

Particulars, description and situation of land .....  
.....

Purposes for which land is required .....  
.....  
.....

.....  
*Signature of Applicant*

Date .....

SECOND SCHEDULE

Regulations 7 and 10.

FEES, COSTS AND CHARGES

1 - under 25 acres	\$250.00 for the first acre plus \$70.00 per acre thereafter.
25 - under 50 acres	\$1,930.00 for the first 25 acres plus \$50.00 per acre thereafter.
50 - under 100 acres	\$3,180.00 for the first 50 acres plus \$40.00 per acre thereafter.
100 acres and over	\$5,180.00 for the first 100 acres plus \$30.00 per acre thereafter.

Fee for advertisement of application for lots over 10 acres	\$20.00
Fee for advertisement of application for lots of less than 10 acres	10.00
Fee for State Law Officer's examination of title before sale of land, and for preparing State grant in the case of lots exceeding 10 acres	120.00
Fee for State Law Officer's examination of title before sale of land and for preparing State grant in the case of lots less than 10 acres	50.00
Fee for services of Registrar's Clerk for engrossing certificate of title (including forms) for lots exceeding 10 acres	20.00
Fee for services of Registrar's Clerk for engrossing certificate of title (including forms) for lots of less than 10 acres	10.00
Fee for services of Director or the surveyor under regulation 7(3), (5) (in addition to any necessary expenses incurred by him to ascertain the correctness of the survey) as may be authorised by the President, not exceeding	100.00

Regulation 11.

**THIRD SCHEDULE**

(FORM L .& S .24)

**STATE LANDS**

DOMINICA

.....  
*President.*

THE COMMONWEALTH OF DOMINICA in consideration of the  
sum of .....  
.....  
.....  
Caribbean currency to the Accountant General paid GRANTS UNTO  
.....  
.....

..... heirs and assigns ALL that certain piece of land containing  
 .....called or well known by the name of  
 ..... situate in the Parish of St.  
 ..... in the said Commonwealth of Dominica being a  
 portion of .....  
 ..... and bounded as  
 follows:

.....  
 .....  
 .....in the same manner  
 and form of the diagram thereof by .....  
 .....  
 .....hereto annexed represents  
 OR however otherwise the same may be bounded TOGETHER with all  
 easements and appurtenances thereto TO HAVE AND TO HOLD the same  
 piece or parcel of land and all singular the premises hereby granted with their  
 appurtenances UNTO and to the USE of the said –

.....heirs and assigns forever  
 – THE COMMONWEALTH OF DOMINICA HEREBY RESERVES all  
 roads, paths, passages, which the Commissioner may cause to be marked on the  
 plan of the said lands with full liberty at all times to enter upon the said lands  
 or any part thereof to search for, locate, survey and open for public use all or  
 any such roads, paths, passages or tracks AND FURTHER RESERVES the  
 exclusive use of such portions of the said lands as may be indicated on the plan  
 by the Commissioner as being reserved for public purpose the same being not  
 less than five chains on either side of the head waters of any river or stream with  
 full liberty at all times to enter upon the said lands or any part thereof for any  
 purpose whatsoever, all minerals upon or under the said lands with full liberty  
 at all times to search, dig for and carry away such metals and for such purpose  
 to enter upon such lands or any part thereof; and all mineral oils upon or under  
 the said lands, with full liberty at all times to enter the said lands or any part  
 thereof for purpose of searching for winning and taking away all and any  
 mineral oil found therein, AND FURTHER MAKES as a condition of this  
 Grant the provisions described in the Schedule hereto.

IN TESTIMONY WHEREOF I have caused the Public Seal ap-  
 pointed for the Commonwealth of Dominica to be affixed hereto –

this ..... day of ..... in the year of Our Lord One  
 thousand nine hundred and .....

To Registrar of Titles,  
Issue Certificate of  
Title to Grantee

Dated the      day of      , 19 .  
COMMONWEALTH OF DOMINICA

to

PRESIDENT

grant of

A piece or parcel of land containing  
known as Lot      and being part of

situate in the Parish of  
in the said State.

*Attorney General*

COMMONWEALTH OF DOMINICA

\_\_\_\_\_

**SCHEDULE**

The land described on the State Land Grant shall not be sold, leased,  
transferred or otherwise disposed of within ten (10) years of the date of the said  
Grant without the consent of the Government.

\_\_\_\_\_