

Crown Lands (Disposal) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT, 2016, No. 75

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SAINT LUCIA

STATUTORY INSTRUMENT, 2016, No.75

[22nd August, 2016]

In exercise of the power conferred under section 7 of the Crown Lands Act, Cap. 5.02 the Governor General, makes these Regulations:

Citation

1. These Regulations may be cited as the Crown Lands (Disposal) Regulations, 2016.

Interpretation

2. In these Regulations-

“applicant” means a person who makes an application under regulation 4(1);

“Commissioner” means the Commissioner of Crown Lands appointed under section 3 of the Crown Lands Act, Cap. 5.02;

“Committee” means the Crown Lands (Disposal) Advisory Committee appointed by Cabinet under regulation 3;

“Land Registration and Titling Project” means the systematic and compulsory adjudication and demarcation of interests to land in Saint Lucia which commenced under the Land Adjudication Act, Cap. 5.06;

“title” means the document which is the principal evidence of the act or contract upon which the right to land registered as Crown land is founded.

Appointment of Committee

3.—(1) Cabinet may appoint a Crown Lands (Disposal) Advisory Committee to provide, when required, advice on applications for the transfer of Crown lands under these Regulations.

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(2) A member of the Committee holds office on terms and conditions determined by Cabinet.

(3) The Committee may regulate its own procedure.

Application for transfer of Crown land

4.—(1) A person who —

- (a) claims to be the immediate past owner of land prior to its registration as Crown land under the Land Registration and Titling Project; or
- (b) claims to be the heir of land prior to its registration of land as Crown land under the Land Registration and Titling Project,

may make an application in writing to the Commissioner for the transfer of the Crown lands to that person.

(2) An application under subregulation (1) must —

- (a) be accompanied by the title including —
 - (i) a vesting order,
 - (ii) a partition order,
 - (iii) a transfer,
 - (iv) an agreement, or
 - (v) any other instrument for the purposes of succession, sale, gift, hypothec or any other purpose;
- (b) specify the land use category in Schedule 1; and
- (c) be accompanied by the processing fees specified in Schedule 2.

Examination, assessment and recommendation of Commissioner

5.—(1) On receipt of an application, the Commissioner shall examine and assess the application.

(2) The Commissioner shall submit the application, together with his or her recommendation to Cabinet for consideration.

*Crown Lands (Disposal) Regulations***Submission of application to Committee**

6.—(1) Where the title provided under regulation 4(2)(a) by the applicant is disputed by the Commissioner, the Commissioner shall forward the application to the Committee for its investigation, assessment and recommendation.

(2) The Committee shall investigate the matter and consider any documents produced and make a recommendation to the Commissioner.

(3) On receipt of the recommendation of the Committee, the Commissioner shall submit the application and the recommendation of the Committee to Cabinet for consideration.

Interview or request for information

7. The Commissioner or the Committee in considering an application may —

- (a) require an applicant to attend an interview; or
- (b) request information in writing from the applicant, if necessary.

Grant or refusal of application

8.—(1) Cabinet may grant an application if it is satisfied that the land registered as Crown land is within a category of land use specified in Schedule 1.

(2) Cabinet may refuse an application if it is satisfied that the land registered as Crown land —

- (a) is reserved for public recreation or as an open space under section 31, a zoned area under section 32, an environmental protection area under section 34, or a special enforcement area under section 43 of the Physical Planning and Development Act, Cap. 5.12; or
- (b) is vacant;
- (c) is required for a public purpose including —
 - (i) conservation,
 - (ii) biodiversity,

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- (iii) river or ravine buffers or reserves,
- (iv) agricultural development,
- (v) residential development,
- (vi) institutional development,
- (vii) infrastructural development, or
- (viii) open, green spaces.

(3) In determining a public purpose under subregulation (2)(c), Cabinet may consult with the relevant ministry, department or other agency.

(4) If an application is approved, Cabinet may specify the time within which the transfer of land should be registered.

(5) Cabinet shall provide the Commissioner with its decision to grant or refuse an application and shall give reasons in writing for the grant or refusal.

Notification

9. Upon receipt of the decision of Cabinet, the Commissioner shall notify an applicant in writing of the grant or refusal of the application and shall give the reasons for the decision.

Registration of transfer of Crown land

10.—(1) If Cabinet approves an application, the person to whom the Crown land is being transferred shall cause an instrument in notarial form for the transfer of the Crown land to be prepared in accordance with section 56 of the Land Registration Act, Cap. 5:01.

(2) The person referred to in subregulation (1) shall pay any fees associated with the registration of the transfer of the Crown land.

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SCHEDULE 1

(Regulations 4(2)(b) and 8)

LAND USE CATEGORIES

1. Residential use;
2. Agricultural use under approved and sustainable agricultural practices according to the Department of Agriculture, Fisheries, Natural Resources and Co-operatives; and
3. Other use.

SCHEDULE 2

(Regulation 4(2)(c))

PROCESSING FEES

Land Use	Size of Land (Hectares)	Size of Land (Acres)	Processing Fee
Residential	0.01-0.99	0.01-2.46	\$1,000
	1 and above	2.47 and above	\$2,500
Agricultural	0.01-9.99	0.01-2.46	\$1,500
	10 and above	2.47 and above	\$3,000
Other	0.01-0.99	0.01-2.46	\$5,000
	1 and above	2.47 and above	\$10,000

Made this 11th day of August, 2016.

MAC DONALD DIXON,
Deputy Governor General.