



SAINT LUCIA

CHAPTER 5.02

CROWN LANDS ACT

Revised Edition

Showing the law as at 31 December 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

CROWN LANDS ACT

Act 7 of 1945.. in force 1 June 1946

Amended by Act 19 of 1960.. in force 24 December 1960

Amended by Act 16 of 2002.. in force 14 October 2002

CROWN LANDS REGULATIONS – Section 7

Statutory Instrument 36/1946.. in force 1 June 1946

Amended by S.I. 51/1953

CROWN LANDS (ALLOTMENT TO SAINT LUCIA NATIONAL TRUST) REGULATIONS – Section 7

Statutory Instrument 49/1982.. in force 11 September 1982

CROWN LANDS (ALLOTMENT TO LOCAL AUTHORITY) REGULATIONS – Section 7

Statutory Instrument 57/1985.. in force 31 August 1985

CROWN LANDS RENTAL RATE ORDER – Section 7

Statutory Instrument 80/2001.. in force 28 July 2001

CHAPTER 5.02

CROWN LANDS ACT

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CHAPTER 5.02

CROWN LANDS ACT

(Acts 7 of 1945, 19 of 1960 and 16 of 2002)

AN ACT to consolidate the law relating to the survey and disposal of crown lands and of vacant lands.

Commencement [1 June 1946]

1. SHORT TITLE

This Act may be cited as the Crown Lands Act.

PART 1 CROWN LANDS

Survey and Disposal of Crown Lands

2. VESTING OF CROWN LANDS

All power and authority in respect of the survey and disposal of Crown Lands in Saint Lucia shall be exclusively vested in, and exercised by, the Governor General. (*Amended by Act 19 of 1960*)

3. APPOINTMENT OF COMMISSIONER, ASSISTANTS AND CLERKS

- (1) The Governor General may appoint some fit and proper person to be Commissioner of Crown Lands who shall hold office during Her Majesty's pleasure and shall receive such emoluments as may be assigned to him or her by the Governor General with the consent of the House of Assembly.
- (2) The Governor General may also appoint assistants and clerks to the said Commissioner, who shall receive such salaries or other remuneration as may be voted or approved of by the House of Assembly.

4. DUTIES OF COMMISSIONER

Subject to any special provisions hereinafter contained, the Commissioner shall be charged with the duties and obligations following—

- (a) He or she shall make the surveys as the Governor General directs.
- (b) He or she shall take possession of, and may lease, and collect the rents of, all lands and immovables which may belong to, or become vested in, Her Majesty, and shall receive the proceeds that may arise from the sale of any Crown lands.
- (c) He or she shall account to the Director of Finance and Planning quarterly for all monies coming into his or her hands under the provisions of this Act.
- (d) He or she shall have the charge and custody of all records, papers and documents relating to the lands of the Crown.

5. PREVENTION OF ENCROACHMENTS

It is lawful for the Commissioner, between sunrise and sunset, with proper servants and assistants, to enter upon and survey any lands adjoining Crown lands, for the purpose of ascertaining whether Crown lands have been encroached upon. However, 8 days' notice of his or her intention in that behalf shall be given to the owner or occupier of such lands, either personally or by leaving such notice at his or her residence.

6. MAPS AND PLANS

- (1) The Commissioner shall have the custody of all maps, surveys, plans and diagrams of Crown lands.
- (2) It is lawful for any person, on payment of a fee of \$0.24 for every plan or diagram, to inspect and, if he or she sees fit, to make a copy of any plan or diagram lodged with the said Commissioner.

7. REGULATIONS

The Governor General may make rules or regulations—

- (a) with regard to the sale, disposal, occupation, and allotment of Crown lands;
- (b) with regard to the price for such lands and the mode of payment thereof;
- (c) with regard to the laying out and establishment of village lots;
- (d) for the care and preservation of all plans and diagrams and records in the custody of the Commissioner, and for the inspection, copying, or tracing of all such diagrams or records, and with regard to the fees payable in respect thereof,

and the Governor General may in such rules and regulations provide for a penalty not exceeding \$96 in respect of the breach or neglect of any such rules or regulations, such penalty to be recovered before a district court in the name and at the instance of the Commissioner or any of his or her assistants or clerks; and the procedure in any such case shall be the same as the procedure in respect of offences punishable on summary conviction.

Registrations of Grant or Lease of Crown Lands

8. REGISTRATION OF CROWN LANDS

Every grant or lease of Crown lands under the seal of Saint Lucia signed by the Governor General and countersigned by the Commissioner shall be accepted by the Registrar of Deeds and Mortgages for registration, and dealt with as in the case of ordinary deeds.

9. VALIDATING REGISTRATION OF CERTAIN GRANTS

All Crown grants with the Diagrams therein referred to which were lodged under the Crown Lands Regulations in the office of the Registrar of Deeds before the 27 January 1899, shall, for all intents and purposes, be deemed and taken to have been duly registered in the Registry of Deeds and Mortgages on the days on which and at the times at which they were respectively lodged as aforesaid, and shall have all the force and effect of registration as if they had been

registered according to the formalities prescribed by the Civil Code and the Code of Civil Procedure.

Protection of Crown Lands

10. PENALTY FOR SURVEYING CROWN LANDS WITHOUT LICENCE

- (1) A surveyor shall not survey or commence to survey Crown Lands registered in the Land Register without first obtaining an order or licence signed by the Governor General or the Commissioner of Crown Lands.
- (2) A surveyor who contravenes subsection (1) commits an offence and is liable to a fine of not less than \$5,000.
- (3) All markings placed on Crown Lands by a surveyor who has committed the offence referred to in subsections (1) and (2) shall be removed by the surveyor and if he or she refuses to remove the markings by the date indicated by the Governor General or the Commissioner of Crown Lands, the offence shall be considered a continuing offence for which the surveyor is liable to a fine of \$500 for each day the offence continues.
- (4) The court shall uphold the charge against the surveyor unless he or she proves that he or she did not commit the offence referred to in subsection (1).

(Substituted by Act 16 of 2002)

11. PROCEEDINGS AGAINST PERSON WHO HAS NOT PAID PURCHASE MONEY OF CROWN LANDS

- (1) If in any case it is made to appear to any magistrate, upon information, that any person is in possession of any Crown land for a grant whereof a petition has been filed, but that no part of the purchase money of such land has been paid, or that some part of the purchase money of such land is in arrear and unpaid, such magistrate may issue a summons calling on the person in possession of such land to appear before him or her and answer to such information.

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- (2) If such person, having been duly summoned, does not appear, or after appearing, fails to satisfy the magistrate that the whole of such purchase money has been paid, the magistrate shall make an order for putting the person in possession of such land out of possession of the same, and for delivering possession thereof to the Commissioner. However, when in any case the person in possession of such land offers to pay the purchase money of such land, the magistrate may, with the consent of the Commissioner and on such purchase money and the costs of the grant of such land, with such sum as the magistrate may allow for the costs of the information, being paid to the Commissioner, make an order that no further proceedings be had on such information.
- (3) The magistrate shall in such case report to the Governor General the fact of such purchase money having been paid, and

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a grant of the land shall thereupon issue to the person paying such purchase money.

12. REPAYMENT OF PURCHASE MONEY PAID

- (1) It is lawful for the magistrate, if he or she sees fit, on making an order under this Act for putting any person out of possession of any land, to make a further order that any sum of money which such magistrate may find to have been paid to the Crown in part payment of the purchase money of such land shall be allowed to such person, and such sum shall be paid to such person by the Commissioner on possession of such land being given to the said Commissioner.
- (2) In any such case, where the money so paid on account of the purchase of any land has been paid into the Treasury, the money so repaid by the said Commissioner shall be allowed by the Director of Finance and Planning and paid to the said Commissioner from the monies in the Treasury to the credit of the Casual Revenue of the Crown.

13. PERSON BY WHOM INFORMATION IS TO BE LAID

Any information under this Act may be laid by the Commissioner or by any person deputed by him or her; and it shall not be necessary in any such information to state, or on the hearing thereof to prove, when the possession of the land mentioned in such information by the person informed against, or those under whom he or she may claim title, commenced.

14. MODE OF SERVING SUMMONS ON INFORMATION

Every summons issuing upon any information under this Act shall specify a time and place at which the person informed against is to appear, and every such summons shall be served at least 8 days next before the day appointed for such appearance, by delivering the same to the person summoned in person, or by leaving the same at his or her usual place of abode, or if such abode is not known, then by affixing the same to some building upon, or in some open and conspicuous part of, the land mentioned in the information.

15. EVIDENCE OF PETITION AND PROCEEDING THEREON

On the hearing of any information under this Act, a copy of any petition to the Governor General, and of any proceeding on such petition, which is certified under the hand of the Commissioner to be a true copy, shall be admissible in evidence of the fact of such petition having been filed and of the proceeding had thereon, without any further proof of the same.

16. PENALTY FOR MOLESTING CROWN SURVEYOR

Every person who molests or obstructs any surveyor, his or her assistant, or any other person, in the performance of any duty under this Act, on being convicted thereof, is liable to a penalty not exceeding \$48, and in default of payment, to imprisonment with or without hard labour for any term not exceeding 2 months.

17. RECOVERY OF PENALTIES

All fines and penalties under this Act may be recovered summarily on the complaint of the Commissioner.

18. FORMS

The Forms contained in the Schedule may be used, with such modifications as circumstances may require, in the cases to which they respectively apply.

**PART 2
VACANT LANDS****19. SUMMONS TO SHOW CAUSE WHY CERTAIN LANDS SHOULD NOT BE DECLARED CROWN LANDS**

When any land is unoccupied, or is occupied by a person, who appears to the Commissioner to have no title, the said Commissioner shall make an affidavit that such land is unoccupied, or is occupied by a person who, to the best of his or her knowledge and belief, has no title thereto, and the Attorney General may, on such affidavit, apply by petition to the High Court, or to the judge, for a summons to all

persons claiming an interest in such land to show cause why such land should not be declared to be the property of the Crown.

20. GRANTING PUBLICATION AND SERVICE OF SUMMONS

The High Court or the judge shall grant the summons, which shall be published by advertisement in the Gazette during a period of 6 months and shall be served upon all parties living upon the said land in the first and last months of such period.

21. CLAIM OF PERSON CLAIMING INTEREST

Any person claiming an interest in such land shall, within one week from the date of the last publication of the said summons, file an appearance, either in person or by his or her attorney at law, in the office of the Registrar, and shall, within one month from the date of such appearance, lodge in the said office a written claim containing a statement of the reasons on which the same is founded.

22. BARRING OF CLAIM NOT PROSECUTED

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

23. HEARING AND DETERMINATION OF CLAIM

When any such claim has been duly lodged as aforesaid, the Registrar shall enrol the case, as between the Attorney General and the claimant, for the next ensuing sitting of the High Court and the High Court shall try the cause, and shall either confirm or disallow the claim, and declare the land to be vested absolutely either in Her Majesty or in the claimant, or make such other order on the merits, and such order as to costs, as justice may require.

SCHEDULE

FORMS

No. 1 — Section 11.

Information against person who has not paid purchase money of Crown land.

SAINT LUCIA

District

BE it remembered that on this day of 20 comes before me, the undersigned District Magistrate, (*name of Commissioner or Deputy*), Commissioner of Crown Lands (*or as the case may be*), and informs me that one of is in possession of certain lands belonging to Her Majesty the Queen, situate in (*describe situation*) and comprising (*extent of the lands*), and that a petition to the Governor General for a grant of the said lands was made by the said (*or by one as the case may be*), but that no part of the purchase money of the said lands has been paid (*or that the sum of has been paid in part payment of the purchase money of the said lands, but the sum of is in arrear and unpaid*).

.....
Commissioner of Crown Lands.

Taken before me, the undersigned District Magistrate, this day of 20 .

.....
Magistrate, District.

No. 2 — Section 11.

Summons to Person who has not paid Purchase Money of Crown Land

SAINT LUCIA.

District.

To , of

WHEREAS information has been laid before me, the undersigned District Magistrate, by (*name of Commissioner or Deputy*), Commissioner of Crown Lands (*or as the case may be*), that you, the said ,

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are in possession of certain lands belonging to Her Majesty the Queen, situate in (*describe situation and extent of the lands, according to the Information*), and that a Petition to the Governor General for a Grant of the said lands was made by you, (*or by one* _____ *as the case may be*), but that no part of the purchase money of the said lands has been paid (*or that, the sum of* _____ *has been paid in part payment of the purchase money of the said lands, but that the sum of* _____ *being the other part of the said purchase money, is in arrear and unpaid*): Now I, the said District Magistrate, do hereby summon you to appear before me at the District Court House at _____ at _____ :00, _____ m., on _____ day, the _____ day of _____ 20 _____, then and there to answer touching the matter of the said information; and in default of your so appearing, or if you shall fail to show to my satisfaction that the said sum is not due, then I, the said District Magistrate, in default of your making immediate payment to me of the said sum of _____, will make an order for the putting you out of the possession of the said lands.

Dated this _____ day of _____, 20 _____.

.....

 Magistrate, _____ District.

No. 3 — Section 11.

Order for Delivery of Possession of Lands.

SAINT LUCIA.

District.

To _____, Police Constable, and to all other constables.

WHEREAS an Information was, on the _____ day of _____ 20 _____, laid before me, the undersigned District Magistrate, by (*name of Commissioner or Deputy*), Commissioner of Crown Lands (*or as the case may be*), that _____ is in possession of certain lands belonging to Her Majesty the Queen situate in (*describe situation and extent of the lands, according to the Information*), and that a petition to the Governor General for a Grant of the said lands was made by (*as the case may be*) but that no part of the purchase money of the said lands has been paid; (*or, that the sum of* _____ *has been paid in part payment of the purchase money of the said lands, but that the sum of* _____ *being the other part of the said purchase money is still in arrear and unpaid*), And I, the said District Magistrate, thereupon issued my summons to the said _____ to

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appear before me at _____ on the _____ day
of _____ 20____ .
and answer touching the matter of the said Information;
*AND WHEREAS the said Summons was, on the _____ day
of _____ 20____ , duly served on the said _____ by delivering
the same to him or her personally (*or* by leaving the same at _____ being
his or her usual place of abode or, by affixing a copy of such Summons on
being an open and conspicuous part of the lands mentioned in the said
Information); And Whereas the said _____ failed to appear before
me on the said _____ day of _____ 20____ , (*or*, did appear
before me, but failed to satisfy me that the said sum is not due, and has not
paid the said sum so in arrear and unpaid): Now I, the said District
Magistrate, do hereby order and require you, the said constable, taking such
force as may be required for the purpose, to enter the said lands situate in
and comprising _____ being the lands mentioned in the said
Information, or any part thereof in the name of the whole, and then and
there to put the said _____ out of possession of the said
lands, and to deliver possession of the said lands, together with all
buildings, if any, thereon, and all crops growing thereon, to the said
Commissioner on behalf of Her Majesty.

*(Where the magistrate makes an order for the payment of any monies
under Section 12 proceed)—*

And I, the said District Magistrate, do hereby further order that the sum
of _____ which I find
to have been paid in part payment of the purchase money of the lands
mentioned in the said information, be paid by the said Commissioner to the
said _____ , when and so soon as
possession of the said lands shall have been given to the said
Commissioner.

**(Where the person informed against offers to pay the money, and the
Commissioner of Crown Lands consents to accept the same, and the
purchase money and the costs of the Grant and the costs of the Information
are paid — proceed from the asterisk as follows)—*

AND WHEREAS the said _____ appeared
before me, and offered to pay to the Commissioner of Crown Lands the
sum of _____ being the sum due in respect of the
purchase of the said lands, together with the further sum of _____ for
the costs of the grant of the said lands, and the sum of _____ allowed
by me as the costs of the said information, and the said Commissioner
having consented thereto, the said _____ thereupon paid to

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the said Commissioner the said several sums, amounting together to the sum of I do hereby order that no further proceeding be had on the said information.

Dated this day of , 20 .

.....
Magistrate, *District.*