

**CHAPTER 316**  
**ALIENS (LAND-HOLDING REGULATION) ACT**

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• Act • Subsidiary Legislation •

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**ACT**

Chapter No. 96 of 1926

**Amended by**

Act No. 31 of 1947	Act No. 20 of 1987
The Court Order, 1967	Act No. 23 of 1988
Act No. 9 of 1968	Act No. 25 of 1989
Act No. 19 of 1970	Act No. 17 of 1992
Act No. 38 of 1970	SRO 24 of 1992
Act No. 13 of 1971	Act No. 13 of 1993
Act No. 3 of 1978	Act No. 9 of 1996
Act No. 7 of 1978	SRO 45 of 1998
SRO 38 of 1980	Act No. 1 of 2000
Act No. 14 of 1981	SRO 30 of 2001
Act No. 12 of 1984	Act No. 17 of 2002

**ARRANGEMENT OF SECTIONS**

1. Short title.
  2. Interpretation.
  3. Exemption.
  4. Forfeiture of land and mortgage held by unlicensed alien.
  5. Licence to hold land or mortgage.
  6. Annual general licence to hold mortgage.
  7. Effect of forfeiture.
  8. Companies under alien control.
  9. Power to restrict holding of shares, etc.
  10. Licence for directorship, shares, etc.
  11. Effect of forfeiture of shares, etc.
  12. Transmission of licence to company.
  13. Registration of licence by company.
  14. Restriction on issue of share warrants, etc.
  15. Transfer of shares, etc., held under licence.
  16. Restriction on trusts in favour of aliens.
  17. Licence to hold property in trust.
  18. Fees.
  19. Procedure.
  20. Discovery.
  21. Stamp duty.
- Schedule

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**CHAPTER 316**  
**ALIENS (LAND-HOLDING REGULATION) ACT**

**An Act to regulate the holding of land by aliens and companies under alien control.**

[Chapter No. 96 of 1926 amended by Act No. 31 of 1947, The Court Order, 1967, Act No. 9 of 1968, Act No. 19 of 1970, Act No. 38 of 1970, Act No. 13 of 1971, Act No. 3 of 1978, Act No. 7 of 1978, SRO 38 of 1980, Act No. 14 of 1981, Act No. 12 of 1984, Act No. 20 of 1987, Act No. 23 of 1988, Act No. 25 of 1989, Act No. 17 of 1992, SRO 24 of 1992, Act No. 13 of 1993, Act No. 9 of 1996, SRO 45 of 1998, Act No. 1 of 2000, SRO 30 of 2001, Act No. 17 of 2002.]

[Date of commencement: 19th April, 1922.]

## 1. Short title

This Act may be cited as the Aliens (Land-Holding Regulation) Act.

## 2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**alien**” means a person who does not belong to Saint Vincent and the Grenadines, and includes a company incorporated in Saint Vincent and the Grenadines or in any other part of the Commonwealth if it is under alien control as hereinafter defined, and also every corporation incorporated in a foreign country:

Provided that the Governor-General may, by order in the *Gazette*, declare that persons who belong to such one or more of the Commonwealth Caribbean territories (other than Saint Vincent and the Grenadines) as shall be specified in the order shall not be aliens for the purposes of this Act;

“**debenture**” includes every mortgage or charge by a company, whether floating or otherwise, on any of the company’s property or on its undertaking or on its uncalled capital, and also every obligation by the company (not being a bill of exchange or promissory note) for the payment of a debt or the repayment of money lent or to be lent, and also debenture stock;

“**land**” includes tenements and hereditaments, both corporeal and incorporeal, and every interest therein, but does not include money charged on land;

“**member of a company**” includes any person entitled under the memorandum or articles or any resolution of the company to participate in its assets or in its divisible profits; but a servant or agent of the company shall not be deemed to be a member by reason only that the amount of his emoluments depends wholly or partially on the amount of the company’s profits;

“**mortgage**” includes every instrument creating a mortgage or charge on land, except a debenture;

“**share**” includes stock, and, in the case of a company not having a share capital, the interest of a member in the assets of the company;

“**unlicensed alien**” means an alien who does not hold a licence granted under this Act.

(2) For the purposes of this Act, a person shall be regarded as belonging to Saint Vincent and the Grenadines if he is a—

- (a) citizen of Saint Vincent and the Grenadines;
- (b) Commonwealth citizen who is domiciled in Saint Vincent and the Grenadines and has been ordinarily resident therein for not less than seven years;
- (c) person who is, or has been, married to a person coming within paragraph (a) or (b);
- (d) person under the age of eighteen who is the child, step-child or child adopted in a manner recognised by law, of a person coming within paragraph (a), (b) or (c).

(3) For the purposes of this Act, a person shall be regarded as belonging to a Commonwealth Caribbean territory (other than Saint Vincent and the Grenadines) if such person is a person who is connected with that Commonwealth Caribbean territory in any manner prescribed in subsection (2) except paragraph (b); and for such purpose that subsection shall be construed as if for reference to Saint Vincent and the Grenadines in paragraph (a) there were substituted a reference to that Commonwealth Caribbean territory.

### **3. Exemption**

Notwithstanding any other provisions of this Act, this Act shall not apply in respect of the holding of land by any individual, firm, partnership, unincorporated body of persons or body corporate—

- (a) carrying on the business of banking or life assurance and exempted by the Governor-General from the application of this Act; or
- (b) carrying on the business of mortgage financing under agreement with the Government and exempted by the Governor-General from the application of this Act.

### **4. Forfeiture of land and mortgage held by unlicensed alien**

Subject to the provisions of this Act, neither land in Saint Vincent and the Grenadines, nor a mortgage on land in Saint Vincent and the Grenadines, shall, on or after the 19th April, 1922, be held by an unlicensed alien, and any land or mortgage so held shall be forfeited to the Crown:

Provided that—

- (a) land may be acquired and held by an unlicensed alien on an annual tenancy, or for any less interest, for the purposes of his residence, trade or business, but an unlicensed alien shall not so hold more than five acres of land in all;
- (b) land acquired by an unlicensed alien under a will or on an intestacy shall not be forfeited if, within one year from the death of the testator or intestate, or within such extended time, if any, as the Governor-General may decide to be reasonable, the land is sold or the alien obtains a licence to hold the land;
- (c) a mortgage acquired by an unlicensed alien under a will or on an intestacy shall not be forfeited, but the alien shall not, unless he obtains a licence to hold the mortgage, be entitled to foreclose or enter into possession of the mortgaged land;
- (d) nothing in this Act shall affect the interest of a judgement creditor in the land of his judgement debtor, but the debtor's land shall not be acquired by an unlicensed alien;
- (e) nothing in this Act shall affect the estate or interest of an alien in any land or mortgage held by him on the 19th April, 1922;
- (f) nothing in this Act shall affect the estate or interest of an alien in any land or mortgage held by him before the 9th June, 1970, if on that day such alien became an alien for the purposes of this Act solely by reason of the amendments to the definition of "alien" effected by the Aliens (Land-Holding Regulation) (Amendment) Act, 1970;
- (g) nothing in this Act shall affect the estate or interest of a company under alien control in any land or mortgage held by it before the 11th May, 1971, if on that day such company became a company under alien control for the purposes of this Act solely by reason of the amendments to section 8(1)(c), (d) or (g) effected by the Aliens (Land-Holding Regulation) (Amendment) Act, 1971.

## **5. Licence to hold land or mortgage**

(1) The Governor-General may, if he thinks fit, grant to any alien a licence to hold land as owner, tenant or mortgagee for any estate or interest, either subject to any conditions or not:

Provided that a license shall be operative only as to the land described and as to the estate or interest specified therein, and shall be of no force or effect until registered in the office of the Registrar of Deeds.

(2) On breach of any condition in a licence to hold land as owner, tenant or mortgagee, the estate and interest of the alien in the land or mortgage held under the authority thereof shall thereupon be forfeited to the Crown.

## **6. Annual general licence to hold mortgage**

(1) The Governor-General may grant to an alien an annual general licence to hold as mortgagee, in accordance with the law relating to mortgage, land that is held as security for funds that the alien may, from time to time, invest on loan in Saint Vincent and the Grenadines.

(2) Where an alien to whom an annual general licence has been granted under subsection (1) acquires land as a result of the exercise of his power of sale or foreclosure—

- (a) section 5(1) has no application to the land so acquired;
- (b) the land shall be sold, or otherwise disposed of absolutely, within a period of five years, or within such extended time as the appropriate authority may consider reasonable, after it is so acquired, so that the alien no longer has, directly or indirectly, any interest or control in respect thereof except by way of security.

(3) An annual general licence granted under subsection (1) has effect only when the licence is registered in the office of the Registrar.

(4) An annual general licence granted by the Governor-General under subsection (1) is subject to the following conditions—

- (a) the funds loaned by such an alien upon the security of mortgages upon lands in Saint Vincent and the Grenadines shall be loaned to residents of Saint Vincent and the Grenadines;
- (b) such an alien shall, if required to do so by the Minister of Finance, at the end of every year submit to him a statement containing the following particulars certified as correct and signed by the alien or, when the alien is a company, by a director and the secretary—
  - (i) the number of mortgage loans taken by residents of Saint Vincent and the Grenadines,
  - (ii) the names of the mortgagors,
  - (iii) the amounts loaned,
  - (iv) the rates of interest charged, and
  - (v) the number of mortgaged properties which have become vested in such an alien as owner by virtue of the exercise of his powers as a mortgagee, the respective dates on which such properties became so vested, the sums due thereon and a description of the properties so vested.

(5) The Governor-General may at any time revoke an annual general licence under the provisions of subsection (1), but such revocation shall not affect anything lawfully done under that licence.

## **7. Effect of forfeiture**

(1) Land or a mortgage forfeited under this Act shall not vest in the Crown unless and until a judgement is obtained declaring the forfeiture: but on such judgement being obtained the title of the Crown shall relate back to and commence at the time when forfeiture took place.

(2) A judgement declaring a forfeiture of land shall operate to vest in the Crown all the estate and interest of the alien in the forfeited land.

(3) A judgement declaring a forfeiture of a mortgage shall operate to vest in the Crown all the estate and interest of the alien in the mortgaged land, subject to any right of redemption subsisting therein, and also to vest in the Crown the right to recover and receive, and to enforce all securities for, the mortgage money.

## **8. Companies under alien control**

(1) For the purposes of this Act, a company shall be deemed to be under alien control—

- (a) if one-half or more than one-half in number of its directors are unlicensed aliens;
- (b) if one-half or more than one-half of the votes exercisable at any meeting of the company, or which would be exercisable if a meeting of the company were held, are vested in an unlicensed alien or in aliens any one of whom is an unlicensed alien;
- (c) in the case of a company having a share capital, if one-half or more than one-half of the nominal amount of its issued shares are held by an unlicensed alien or by aliens any one of whom is an unlicensed alien;
- (d) in the case of a company not having a share capital, if one-half or more than one-half of its members are aliens any one of whom is an unlicensed alien;
- (e) if the amount paid or payable in any period of twelve months as dividend to any member of the company who is an unlicensed alien or to those members of the company who are aliens any one of whom is an unlicensed alien, is equal to or exceeds one-half of the total amount paid or payable by the company as dividends in the same period;
- (f) if one-half or more than one-half of the nominal value of the outstanding debentures are held by an unlicensed alien or by aliens any one of whom is an unlicensed alien; or
- (g) if the annual interest on the debentures of the company for the time being held by an unlicensed alien or by aliens any one of whom is an unlicensed alien is equal to or exceeds one-half of the annual interest on all debentures of the company for the time being outstanding.

(2) A company which is under alien control and is a member of another company shall, for the purpose of deciding the status of that other company, be treated as an alien.

## **9. Power to restrict holding of shares, etc.**

Notwithstanding anything contained in any written law relating to companies, or in the memorandum or articles of association of the company, or in any debenture, or in any instrument for securing any issue of debentures, a company incorporated in Saint Vincent and the Grenadines holding, or intending to acquire, more than five acres of land in Saint Vincent and the Grenadines may—

- (a) restrict or prohibit the issue or transfer of its shares or debentures to aliens;
- (b) restrict or prohibit the holding by aliens of share warrants and of debentures transferable by delivery;
- (c) refuse to register an alien as a member or as the holder of a debenture;
- (d) require such evidence as it may think fit as to the nationality of any person desiring to be registered as a member or as the holder of a debenture, and as to the nationality of the holder of a share warrant or debenture transferable by delivery, or of a coupon or other document entitling the bearer to payment of any dividend or interest.

#### **10. Licence for directorship, shares, etc.**

(1) The Governor-General may, if he thinks fit, grant licences, either subject to conditions or not, for all or any of the following matters—

- (a) for an alien to be a director of a company;
- (b) for an alien to vote at meetings of a company;
- (c) for an alien to hold shares or debentures; and
- (d) for an alien to be a member of a company having no share capital:

Provided that a license shall be operative only as to the company named therein and as to the number of votes, shares or debentures specified therein.

(2) On breach of any condition in a licence granted under this section, the licensee shall forthwith cease to be a director of the company and to be entitled to vote at any meeting of the company, and all shares and debentures in the company held by the licensee shall be forfeited to the Crown.

#### **11. Effect of forfeiture of shares, etc.**

(1) A judgement declaring that a share or debenture has become forfeited under this Act shall operate to vest in the Governor-General the right to transfer that share or debenture and to recover and receive dividends or income in respect thereof as from the time when the forfeiture took place.

(2) A share or debenture which has been declared to be forfeited under this Act shall be sold or otherwise dealt with for the benefit of Saint Vincent and the Grenadines as the Governor-General may direct.

#### **12. Transmission of licence to company**

The Secretary to Cabinet shall send a copy of every licence to the company concerned at its registered office.

#### **13. Registration of licence by company**

(1) A company shall cause a copy of every licence received by it to be recorded in the company's register of members or debenture holders, as the case may require, opposite to the name of the licensee, and to be endorsed on every share certificate or debenture issued in respect of any share or debenture held by the licensee.

(2) A company which makes default in complying with the requirements of this section is guilty of an offence and liable to a fine of two hundred and fifty dollars for every day during which the default continues, and every director, manager and officer of the company who, knowingly and wilfully, authorises or permits the default is guilty of an offence and liable to a like fine.

#### **14. Restriction on issue of share warrants, etc.**

(1) A company shall not, without the consent of the Governor-General, issue a share warrant or debenture transferable by delivery in respect of any share or debenture held by an alien under a licence granted under this Act.

(2) A company which issues a share warrant or debenture transferable by delivery in breach of the provisions of this section is guilty of an offence and liable to a fine of five thousand dollars in respect of each share specified in the warrant and in respect of each debenture, and every director, manager and officer of the company who, knowingly and wilfully, authorises or permits such issue is guilty of an offence and liable to a like fine.

#### **15. Transfer of shares, etc., held under licence**

(1) A transfer, without the consent of the Governor-General, of a share or debenture held by an alien under a licence, and any entry in the company's register of members or debenture holders of the transferee specified in any such transfer, shall be void and of no effect.

(2) The Governor-General shall not refuse his consent to such a transfer except on the ground that the share or debenture specified in the transfer has become forfeited under this Act.

#### **16. Restriction on trusts in favour of aliens**

(1) This section applies to the following property only, namely land situate in Saint Vincent and the Grenadines, mortgages of such land and shares and debentures of any company incorporated in Saint Vincent and the Grenadines.

(2) With a view to preventing evasion of the foregoing provisions of this Act, no person shall, without the licence of the Governor-General, hold any property to which this section applies in trust for an alien, and any property so held shall be forfeited to the Crown.

(3) Any person who contravenes the provisions of this section is guilty of an offence.

(4) Nothing in this Act shall apply to a trust in favour of an alien subsisting on the 19th April, 1922.

(5) In this section, the expression "**trust**" includes any arrangement, whether written or oral, express or implied, and whether legally enforceable or not, whereby any property to which this section applies, or any interest therein or any rights attached thereto, is, or are, held for the benefit of, or to the order or at the disposal of, an alien; but does not include—

- (a) the duties incident to a mortgage;
- (b) the duties of a satisfied mortgagee to the mortgagor, if within three months after satisfaction of the mortgage the mortgaged property is revested in the mortgagor or his interest therein is extinguished;
- (c) the duties of a vendor to the purchaser pending payment of the purchase money, if, within three months after such payment, the property sold is vested in the purchaser or his interest therein is extinguished;
- (d) the duties of a trustee in bankruptcy to the bankrupt or his creditors; or
- (e) the duties of a trustee for the purposes of any composition or scheme of arrangement for the payment of debts to the debtor or his creditors.

#### **17. Licence to hold property in trust**

The provisions of this Act as to licences and the effect of breach of a condition in a licence shall apply to land, mortgages, shares or debentures intended to be held, or held,

in trust for an alien in like manner as it applies to land, mortgages, shares or debentures intended to be held, or held, by an alien.

### 18. Fees

(1) Any licence granted under the provisions of this Act to an alien shall be subject to a fee which shall be paid on registration of the licence at the rate set out in the Schedule.

(2) Notwithstanding the provisions of subsection (1), the Governor-General may, in any case that he may deem fit, waive or refund to an alien the fee which he ought to pay or may have paid to hold a licence under the provisions of this Act.

### 19. Procedure

For the purpose of establishing a forfeiture under this Act, the Attorney-General may, in accordance with the provisions of the Civil Procedure Code, apply to the High Court for a declaration that any right, title, or interest sought to be affected is forfeited to the Crown.

[Chapter 120.]

### 20. Discovery

(1) Without prejudice to any other right to discovery, the Attorney-General may, in proceedings for establishing a forfeiture under this Act, administer interrogatories to, and obtain discovery of documents from, a defendant as to any matter or document tending to prove his alienage, or the alienage of any other person, or to discover any land, mortgage, share or debenture held by him, or in trust for him, or as to any relevant matter or document.

(2) It shall not be a valid ground for refusing to answer any such interrogatory, or to disclose or produce any document, that the answer or document might, or would, expose the defendant or any other person to the risk of prosecution under this Act:

Provided that, in the prosecution of a defendant under this Act, the fact that he has disclosed any matter in answer to an interrogatory administered under this section and disclosed or produced any document in compliance with an order for discovery obtained under this section shall not be admissible in evidence.

### 21. Stamp duty

Every licence granted under this Act shall be subject to a stamp duty of five dollars which shall be paid by the licensee in accordance with the provisions of the Stamp Act.

[Chapter 440. Section 21 amended by SRO 45 of 1998 and Act No. 1 of 2000.]

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### Schedule

[Section 18. Schedule amended by Act No. 17 of 1992, SRO 24 of 1992, Act No. 13 of 1993, Act No. 9 of 1996, SRO 45 of 1998, Act No. 1 of 2000, SRO 30 of 2001, Act No. 17 of 2002.]

1. On sale of land where the value of the property—
  - (i) does not exceed \$100,000.00 ..... \$10,000.00
  - (ii) exceeds \$100,000.00 but does not exceed \$3,000,000.00 ..... \$10,000.00 plus 6% of the value in excess of \$100,000.00
  - (iii) exceeds \$3,000,000.00 ..... \$184,000.00 plus 4% of the value in excess of \$3,000,000.00
2. On lease of land where the aggregate rental payable in



respect of the full duration of the lease—

- |       |  |  |
|-------|--|--|
| (i)   | does not exceed \$100,000.00 .....   | \$10,000.00  |
| (ii)  | exceeds \$100,000.00 but does not exceed<br>\$3,000,000.00 .....   | \$10,000.00 plus 6% of the<br>aggregate rental payable in<br>excess of \$100,000.00    |
| (iii) | exceeds \$3,000,000.00 .....   | \$184,000.00 plus 4% of the<br>aggregate rental payable in<br>excess of \$3,000,000.00 |
| 3.    | Deed of gift where the value of the property—  |  |
| (i)   | does not exceed \$100,000.00 .....   | \$10,000.00  |
| (ii)  | exceeds \$100,000.00 but does not exceed<br>\$3,000,000.00 .....   | \$10,000.00 plus 6% of the<br>value in excess of \$100,000.00                          |
| (iii) | exceeds \$3,000,000.00 .....   | \$184,000.00 plus 4% of the<br>value in excess of<br>\$3,000,000.00                    |
| 4.    | To hold lands as mortgagee .....   | Free   |
| 5.    | On a company already holding land becoming a company<br>under alien control where the value of the property—                               |  |
| (i)   | does not exceed \$100,000.00 .....   | \$10,000.00  |
| (ii)  | exceeds \$100,000.00 but does not exceed<br>\$3,000,000.00 .....   | \$10,000.00 plus 6% of the<br>value in excess of \$100,000.00                          |
| (iii) | exceeds \$3,000,000.00 .....   | \$184,000.00 plus 4% of the<br>value in excess of<br>\$3,000,000.00                    |
| 6.    | Administration fee payable on application to the Governor-<br>General for the variation of any document or condition of a<br>licence ..... | \$5,000.00   |
| 7.    | For any other licence granted under this Act .....   | \$ 500.00  |
| 8.    | Annual general licence .....   | \$2,500.00   |

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**CHAPTER 316**  
**ALIENS (LAND-HOLDING REGULATION) ACT**

**SUBSIDIARY LEGISLATION**

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*List of Subsidiary Legislation*

1. Sir Garfield Sobers (Land-Holding) Declaration Order
  2. Aliens (Land-Holding Regulation) (Declaration of Commonwealth Caribbean Territories) Order
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**Sir Garfield Sobers (Land-Holding) Declaration Order**

SRO 9 of 1974

## ARRANGEMENT OF ORDERS

1. Citation.
2. Declaration.

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### **SIR GARFIELD SOBERS (LAND-HOLDING) DECLARATION ORDER**

[SRO 9 of 1974.]

[Date of commencement: *19th March, 1974.*]

#### **1. Citation**

This Order may be cited as the Sir Garfield Sobers (Land-Holding) Declaration Order.

#### **2. Declaration**

It is declared that Sir Garfield Saint Aubyn Sobers of the Commonwealth Caribbean territory of Barbados shall not be an alien for the purposes of the Aliens (Land-Holding Regulation) Act.

[Chapter 316.]

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### **Aliens (Land-Holding Regulation) (Declaration of Commonwealth Caribbean Territories) Order**

SRO 23 of 2002

**Amended by**

SRO 6 of 2004

## ARRANGEMENT OF ORDERS

1. Citation.
  2. Declaration.
  3. Obtaining security clearance.
  4. Exemption.
- First Schedule  
Second Schedule    Application for Security Clearance  
Third Schedule     Security Clearance Certificate

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### **ALIENS (LAND-HOLDING REGULATION) (DECLARATION OF COMMONWEALTH CARIBBEAN TERRITORIES) ORDER**

**In exercise of the powers conferred by section 2(1) of the Aliens (Land-Holding Regulation) Act, Chapter 316, the Governor-General makes the following Order.**

[SRO 23 of 2002 amended by SRO 6 of 2004.]

[Date of commencement: *12th March, 2002.*]

#### **1. Citation**

This Order maybe cited as the Aliens (Land-Holding Regulation) (Declaration of Commonwealth Caribbean Territories) Order, 2002.

## **2. Declaration**

The Governor-General declares that persons who belong to the territories listed in the Schedule will not be aliens for die purposes of the Aliens (Land-Holding Regulation) Act provided there is reciprocity between the territory and Saint Vincent and the Grenadines.

[Chapter 316.]

## **3. Obtaining security clearance**

(1) Persons who belong to the territories listed in the First Schedule shall obtain security clearance from the Minister responsible for national security for the purposes of the Aliens (Land-Holding Regulation) Act.

[Chapter 316.]

(2) All applicants shall provide the information and materials specified in the Second Schedule.

(3) The Minister may after considering an application grant security clearance to the applicant in the form prescribed in the Third Schedule.

[Paragraph 3 inserted by SRO 6 of 2004.]

## **4. Exemption**

This Order shall not apply in respect of persons who have obtained citizenship under an Economic Citizenship Programme.

[Paragraph 4 inserted by SRO 6 of 2004.]

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### **First Schedule**

[Paragraph 2.]

Anguilla  
Antigua and Barbuda  
British Virgin Islands  
Dominica  
Grenada  
Montserrat  
Saint Kitts and Nevis  
Saint Lucia

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### **Second Schedule**

[Paragraph 3(2). Second Schedule inserted by SRO 6 of 2004.]

SAINT VINCENT AND THE GRENADINES

(Complete in duplicate)

*Application for Security Clearance*

(This application must be accompanied by a police record and a passport-size photograph)

1. Name of applicant: .....
2. Country of birth: .....
3. Country of residence (if different from country of birth): .....
4. Address: .....
5. Occupation/Profession: .....
6. Have you ever been convicted by a Court of Justice?                      Yes  No
7. If the answer to 6 above is yes, state offences and dates of conviction:  
.....  
.....
8. Did the Court impose a fine or custodial sentence?                      Yes  No
9. Were the fines paid and/or custodial sentences served?                      Yes  No
10. If the answer to 8 above is yes, state the amount of fines and/or period of custodial sentences: .....
- .....
- .....

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**Third Schedule**

[Paragraph 3(3). Third Schedule inserted by SRO 6 of 2004.]

**SAINT VINCENT AND THE GRENADINES**

*Security Clearance Certificate*

*Aliens (Land-Holding Regulation) (Declaration of Commonwealth Caribbean Territories) Order*

I hereby certify that ..... has satisfied the requirements of the Aliens (Land-Holding Regulation) (Declaration of Commonwealth Caribbean Territories) Order and is entitled to purchase or take a lease of land in Saint Vincent and the Grenadines.

Date: .....

.....  
*Minister responsible for National Security*

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