

**LAND MANAGEMENT AUTHORITY ACT**

**CHAPTER 58:01**

**Act**  
**20 of 1973**  
**Amended by**  
**35 of 1973**  
**6 of 1980**

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**Note  
on  
Subsidiary Legislation**

**This Chapter contains no Subsidiary Legislation.**

## CHAPTER 58:01

### LAND MANAGEMENT AUTHORITY ACT

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## CHAPTER 58:01

### LAND MANAGEMENT AUTHORITY ACT

**AN ACT to establish a Land Management Authority for Dominica** 20 of 1973.  
**and for purposes connected therewith.**

[7th June 1973]

Commencement.

#### PRELIMINARY

1. This Act may be cited as the –

Short title.

**LAND MANAGEMENT AUTHORITY ACT.**

2. In this Act –

Interpretation.

“Authority” means the Dominica Land Management Authority established by section 3;

“agriculture” means the use of land for any purpose of husbandry, and the growing and processing of vegetables, root crops, fruits and other farm products and includes the breeding and growing of livestock, forestry or fisheries;

“Board” means the Board of Management appointed under section 6;

“Chairman” means the Chairman of the Board;

“land” means agricultural land, or land used primarily for the purpose of processing or marketing the produce of agriculture;

“Manager” means the Manager appointed under section 10;

“Minister” means the Minister responsible for Agriculture.

#### ESTABLISHMENT AND MANAGEMENT OF THE AUTHORITY

3. (1) There is hereby established a body corporate to be called the Dominica Land Management Authority and service on the Authority of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the Manager of the Authority at its head office.

Establishment of  
the Authority.

(2) The Authority shall have power to hold land and other property of whatever kind, real or personal and in particular for the purpose of fostering agricultural development in Dominica.

(3) The Authority shall have a head office in Roseau and shall have perpetual succession and an official seal.

(4) The seal of the Authority shall be kept in the custody of the Manager.

Objectives of the Authority.

4. The objectives of the Authority shall be –

- (a) to develop proper land use in Dominica in State owned and privately owned lands;
- (b) to borrow funds and make loans to farmers;
- (c) to administer the finances related to the creation and management of farms, and the improvement of farm infrastructure;
- (d) to provide training for farmers;
- (e) to purchase land for the creation of economic farm units;
- (f) to assist in promoting the development of agriculture in the State;
- (g) to assist in the marketing of farm produce.

Control of Authority.

5. In pursuance of its objectives the Authority shall be governed by a Board of Management which shall consist of seven members, who shall subject to any directions given by the Minister determine the policy and direct and control the officers of the Authority.

Appointment of Board of Management. [35 of 1973].

6. (1) The Minister shall appoint on such terms and conditions as he may determine a Chairman and seven other persons to be members of the Board of Management of the Authority.

(2) The persons appointed under subsection 6(1) shall hold offices for a period not exceeding two years and shall be eligible for re-appointment to the Board; but no such person shall hold office for more than two consecutive periods.

(3) The persons appointed at subsection 6(1) may resign from the Board by forwarding a letter to that effect to the Minister through the Chairman of the Board.

(4) The Minister may terminate the appointment of a member of the Board appointed under subsection 6(1) if the member is guilty of misconduct in relation to his duties, or is absent, except on leave granted by the Board from three consecutive meetings of the Board, or if he fails to carry out any of the duties conferred on him under this Act.

7. (1) The Board shall meet at least once every quarter and at such other times as may be necessary or expedient for the transaction of the business of the Board.

Meetings of the Board.

(2) The Chairman shall, within seven days of the receipt by him of a request in writing addressed to him by any four members of the Board, call a special meeting of the Board.

(3) If the Chairman refuses to convene a special meeting of the Board upon request as aforesaid or neglects to convene the meeting as requested, a special meeting of the Board may be convened by the members making the request.

(4) In the event of the absence of the Chairman or of the Deputy Chairman from a meeting, the members of the Board present at the meeting shall appoint one of their number to preside as Chairman and the member so appointed shall, for that meeting, have all the powers of the Chairman.

(5) A quorum of the Board shall be any four members.

(6) The decisions of the Board shall be taken by a simple majority of the votes of the members present, and in addition to an original vote in any case in which the vote is equal, the Chairman presiding at a meeting shall have a casting vote.

(7) The Board may act in the performance of its duties notwithstanding any vacancy in its membership.

8. (1) Any member of the Board whose interest is likely to be affected whether directly or indirectly by a decision of the Board on any matter whatsoever, shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

Members to disclose their interests.

(2) A disclosure under subsection (1) shall be recorded in the minutes of that Board meeting and after the disclosure the member making it shall, unless the Board otherwise direct, not be present at or take part in the deliberation or vote at any meeting of the Board during the time when the matter is being decided by the Board.

Publication of names of members in *Gazette*.

**9.** The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Appointment of Manager. [6 of 1980].

**10.** The Minister may on such terms and conditions as he may determine appoint a fit and proper person to be Manager and may, in making the appointment, appoint the Chairman to be Manager; and the Minister may when appointing a Chairman under section 6(1) appoint the same person to be both Chairman and Manager.

Duties of Manager.

**11.** (1) The Manager shall be the chief executive officer of the Authority and shall be entrusted with the day to day management, direction and control of the business of the Authority in all matters which are not by this Act or by Rules or Regulations made thereunder specifically reserved to be done by the Authority; and shall be answerable to the Authority for his acts and decisions. He shall attend meetings of the Authority but shall not have a vote.

(2) All documents other than those required by law to be under seal, and all decisions of the Authority may be signed under the hand of the Manager.

(3) The Minister may, after consulting the Authority, appoint any qualified person to act temporarily in place of the Manager during the absence of the Manager through illness, or inability from any cause arising.

Board may employ officer and servants and agents.

**12.** (1) Subject to section 10, the Board may appoint and employ at such remuneration and on such terms and conditions any independent contractor, agent, officer or servant as may be deemed by it necessary for the efficient performance of the business of the Board.

(2) The Board may require any officer or servant employed under this section to give security to its satisfaction for the due execution of his duties.

Funds and resources of the Authority.

**13.** The funds and resources of the Authority shall consist of –

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the State;
- (b) all sums from time to time received by or falling due to the Authority in respect of the repayment of any loan made by the Authority and the interest payable in respect of any such loan;

- (c) moneys earned or arising from any property investment, mortgages and debentures acquired by or vested in the Authority;
- (d) any property, mortgages, debentures or investments acquired by or vested in the Authority;
- (e) sums borrowed by the Authority with the approval of the Minister;
- (f) sums advanced out of the Consolidated Fund for use by the Authority in the carrying out of its functions;
- (g) all other sums or property which may in any manner become payable to or vested in the Authority.

14. (1) Every sum payable to the Authority shall be collected and received for and on account of the funds of the Authority. Receipts for sums paid to the Authority may be signed by an officer of the Authority authorised by resolution of the Board generally or specifically in that behalf. General financial provisions.

(2) All payments out of the funds of the Authority shall be made by two of the following persons of whom the Chairman must be one, that is, the Chairman, the Manager, or a Director nominated by the Board for that purpose.

(3) The financial year of the Authority shall coincide with the financial year of the Government of Dominica.

(4) The Authority shall cause to be kept proper books and accounts and the accounts shall be audited annually by auditors who shall be appointed by the Board each year.

(5) Notwithstanding anything contained in subsection (4) the Minister may, in his discretion, at any time require the Director of Audit to examine the report on the accounts of the Authority, and the Authority shall provide the Director of Audit with all necessary and appropriate facilities for the examination.

(6) The Authority shall make such provision for the safe keeping of its funds as may be approved by the Minister.

(7) Officers of the Authority generally or specifically authorised in that behalf by resolution of the Board may retain in their hands sums to meet petty disbursements or for immediate payments in accordance with the terms of the resolution.

(8) Subject to the provisions of this Act and of any Regulations made thereunder, the Board shall have power by resolution to provide for all matters of administration and procedure with regard to the funds of the Authority.

Reports.

15. (1) The Authority shall, within three months after the end of each financial year, cause to be made and to be transmitted to the Minister –

- (a) a report dealing generally with the operation of the Authority during the last preceding financial year; and
- (b) a copy of the annual audited statement of accounts certified by the auditors.

(2) The Minister shall as soon as possible after the receipt of the report and the annual audited statement of accounts –

- (a) cause a copy of the report together with the annual audited statement of accounts thereon to be laid before the House of Assembly; and
- (b) cause a copy of the annual audited statement of accounts to be published in the *Gazette*.

Authority may  
make loans.

16. The Authority may –

- (a) make loans to selected farmers for the development of their holdings;
- (b) make loans to selected farmers to construct houses on their farms.

Interest payable  
on loans.

17. (1) The Authority shall require interest to be paid on all loans granted by it on the outstanding balances of the principals as at the first day of each month from the date of issue to the date of full settlement.

(2) The rate of interest shall be determined from time to time by the Board with the approval of the Minister.

(3) Every borrower shall be required to pay simple interest on defaulted payments at a rate not exceeding one per cent per annum plus the rate of interest payable on principal money not in arrears and to pay when due all assessments, taxes and other charges for the security of the Authority in respect of the loan and to effect such insurance as the Authority may require; and if any charges referred to above are not paid

when due, the borrower will be considered in default under the mortgage, and the charges may be paid by the Authority and charged to the borrower with interest thereon at the rate for defaulted payments; but where the Board considers it just and equitable so to do the penalty on defaulted payments may be remitted.

**18. (1)** The Authority shall only grant a long term loan where the security offered is a lien or a mortgage on the land of the borrower. In addition, the Authority may require further security by – Security required  
by the Authority.

- (a)* assignment of the benefit of an insurance policy to the Authority;
- (b)* insurance policy on the life of a borrower and the estate of the assured borrower named the beneficiary on such insurance policy;
- (c)* a mortgage on other property;
- (d)* assignment to the Authority of Government securities or any other securities guaranteed by the Government.

**(2)** The Authority shall require security for medium term loans and short-term loans as follows:

- (a)* a mortgage;
- (b)* a bill of sale;
- (c)* an insurance policy on the life of the borrower and the estate of the assured borrower named the beneficiary on such insurance policy;
- (d)* such other security (including endorsements) as may be acceptable to the Board;
- (e)* other sufficient and easily realisable security.

**(3)** In the case of short-term loans to a co-operative society any member to whom part of the loan has been distributed shall sign an agricultural or industrial financing contract with the society and shall guarantee his loan with a first lien on the crops or industrial product for which it has been obtained. This contract, together with a promissory note signed by the member, shall be endorsed by the society in favour of the Authority. The procedure prescribed in this subsection shall not absolve a co-operative society from its collective liability to repay the whole of the loan to the Authority.

(4) The Authority may grant loans on mortgages of agricultural and livestock products where –

- (a) the loan is guaranteed by a first lien on the mortgaged products and by any other assets the Authority may require;
- (b) the mortgaged products, duly insured, are stored in a bonded warehouse, or in a warehouse under the control of the Authority.

(5) The maximum amount that may be loaned against mortgaged property shall be as follows:

- (a) on land, buildings and other improvements of a permanent nature the loan shall not exceed seventy-five per cent of the value of the mortgaged property as determined by the Authority;
- (b) on movable assets, including boats, vehicles and livestock the loan shall not exceed sixty-six per cent of the value of the mortgaged property as determined by the Authority;
- (c) on agricultural and livestock products purchased by co-operative societies the loan shall not exceed eighty per cent of the value of the mortgaged products.

Recall of loan misapplied.

**19.** Whenever it comes to the notice of the Board that a loan has been applied to a purpose which is not in accordance with the purpose for which the loan was granted, the Board shall have the power to recall the loan forthwith, and the borrower shall accordingly repay the loan together with the interest accrued to date of recall. The recall shall in no way prejudice any criminal proceedings which may be instituted under section 31.

Borrower to maintain insurance premiums.

**20.** Whenever the Authority accepts an insurance on the life of a borrower as security for a loan, it shall be incumbent on the borrower to maintain the premium on the insurance until the time as the loan for which it is held as security has been fully paid.

Release of mortgages or bills of sale.

**21.** When a loan has been fully repaid, the Authority shall release any mortgage, bill of sale, or other security in such manner as may be required by law.

**22.** Notwithstanding anything contained in the Stamp Act, every instrument to secure a loan and every instrument evidencing discharge of the loan, shall be exempt from the payment of stamp duty.

Exemption from stamp duty.  
Ch. 68:01.

**23.** Notwithstanding anything contained in the Income Tax Act, the income of the Authority shall be wholly exempt from the payment of income tax.

Exemption from income tax.  
Ch. 67:01.

## MANAGEMENT AND DEVELOPMENT OF FARMS

- 24.** The Authority shall have the following powers and duties:
- (a) subject to such directions as may be given from time to time by the Minister, to have control and supervision of all that portion of the Newfoundland Estate, recently acquired by the Government and of any other lands acquired by Government for farm development and handed over to it;
  - (b) subject to the provisions of this Act, to do all such things as are necessary or convenient for the purpose of achieving the objectives of this Act and performing the duties and functions conferred or imposed on it by this Act;
  - (c) with the approval of the Minister, to borrow money and to acquire property, real, personal or mixed, tangible or intangible, and to hold, operate and dispose of any part thereof;
  - (d) to acquire and import machinery and materials necessary and essential for carrying out the purposes of this Act free of duty or taxes of any kind;
  - (e) through the Board, to prepare tenancy agreements and to fix the rentals of the farmer in respect of his holdings of land under the control of the Authority;
  - (f) to undertake the acquisition, lease, sale or other distribution of land;
  - (g) to raise finance and provide management and control for the development of farms;
  - (h) to select and train farmers and impart the methods of sound land use and good husbandry on the estate;
  - (i) to clear land, to plant crops and to rear livestock, and to provide advice and extension work among tenants occupy-

Powers and functions of the Authority.

ing farms in the second year of the farm development programme;

- (j) to grant permission to farmers to build residences on their holdings;
- (k) to take all steps necessary for ensuring that tenants use efficient farming methods;
- (l) to undertake such other things connected with the development of land as the Minister may from time to time direct.

Selection  
Committee.

**25. (1)** The Board shall appoint a Selection Committee to interview and select tenant farmers for a farm development plan.

(2) The Selection Committee shall consist of five members as follows:

- (a) a member of the Board who shall be Chairman;
- (b) the Chief Agricultural Officer;
- (c) the Commissioner of Lands;
- (d) a nominee of the Caribbean Development Bank;
- (e) one other person appointed by the Minister from among persons with a practical knowledge of agriculture.

Selection of  
tenants.

**26. (1)** Tenant farmers should be selected from among persons who are ordinarily resident in Dominica and who are between the ages of eighteen and forty-five years.

(2) Tenant farmers should have attained the equivalent of the primary school leaving certificate and should have at least four years experience in practical farming, preferably in the growing of bananas and citrus crops.

(3) Tenant farmers must complete a course of training prescribed by the Board in crop production and must undertake to work full time on their farms.

#### MISCELLANEOUS

Obstructing  
officers of the  
Authority.

**27.** Any person hindering or preventing or causing any other person to hinder or prevent any officer of the Authority from making any valuation or inspection required under this Act, whether by force or

threat or in any manner, is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for three months.

**28.** Except as otherwise provided, any sale of land shall be by public auction subject to a reserve price to be fixed by the Board and shall be conducted in accordance with the practice in force in sales by public auction for the collection of debts due to the Government. <sup>Sales.</sup>

**29. (1)** The Board may make Regulations subject to the approval of the Minister, for all or any of the following purposes: <sup>Regulations.</sup>

- (a)* prescribing courses of training for tenant farmers;
- (b)* prescribing methods of farming and the crops that may be grown on lands under the Authority's control;
- (c)* prescribing methods of disbursements or of the securing and repayment of loans made under this Act;
- (d)* prescribing the periods within which loans may be made and will be repayable under this Act;
- (e)* prescribing the forms to be used for the purposes of this Act, including forms of mortgage and memorandum of discharge or receipt, the form of notification of a charge against land or crops in respect of which a loan is made under this Act and the form of agreement for repayment of a loan to be entered into by tenant farmer;
- (f)* prescribing the methods of inspection, assessment and valuation to be employed for the purposes of this Act;
- (g)* prescribing the conditions to be observed in the settlement of farmers;
- (h)* prescribing a scale of legal charges to be made in connection with mortgages to secure loans made under this Act;
- (i)* prescribing books and accounts to be kept by the tenants and by the Authority and as to the audit thereof;
- (j)* prescribing the terms and conditions to be included in tenancy agreements;
- (k)* providing for any matters which are authorised by this Act to be prescribed;

(l) for regulating the hours of business and the administration of the Authority;

(m) generally for the purpose of carrying out the provisions of this Act.

(2) Regulations made under this section shall come into effect when approved by the Minister and gazetted.

**False statements.**      **30.** Any person applying to be a tenant farmer who wilfully fails to disclose any material information within his knowledge or who wilfully makes any statement which he knows to be false or does not believe to be true is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for six months.

**Misapplication of loans.**      **31.** (1) Any person who applies any loan or part thereof made to him under the provisions of this Act to any purpose other than that authorised by the Board under this Act or any Regulations made thereunder is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for six months.

(2) The onus of proving the manner in which a loan has been applied shall be upon the persons to whom the loan was made.

**Secrecy.**      **32.** (1) Except in so far as may be necessary, for the due performance of its objects, every officer and employee of the Authority shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of the Authority that may come to his knowledge in the course of his duties.

(2) Any officer or employee who communicates any matter to any person other than a member of the Board or any officer of the Authority authorised in that behalf by the Chairman, or who suffers or permits any unauthorised person to have access to any books, papers or records relating to the Authority is liable on summary conviction to a fine of seven hundred and fifty dollars and to imprisonment for six months.

(3) No member of the Board, officer or employee of the Authority shall be required to produce in any court any book or document or to divulge or communicate to any court any matter or thing coming under his notice in the performance of his duties under this Act except on the direction of the court in so far as may be necessary for the purpose of carrying into effect the provisions of this Act.

**33. Any member of the Board or any officer or auditor who knowing it to be false in any material particular –** Statements accounts.

*(a)* verifies any statement, account or report of the Authority;  
or

*(b)* causes to be delivered or transmitted any such statement, account or report,

is liable on summary conviction to imprisonment for two years.

**34. Any person to whom a loan has been made under this Act, and who fails to supply any return or information demanded by the Chairman with regard to the application of the loan, or any security for the loan, shall be guilty of an offence.** Failure to send in returns.

**35. Any person guilty of an offence against this Act for which no penalty is provided is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months.** Penalties.

**36. Notwithstanding anything to the contrary in any law contained the Board shall pay monthly towards the salary of the Chairman such sum as may be approved by the Minister.** Salary of Chairman. [35 of 1973].

