

## CHAPTER 169

## CROWN LANDS

## No. 1. Crown Lands Regulations

Made by the Administrator in Council under subsection (1) of section 5  
of the Crown Lands Ordinance (Cap. 169).

S.R.O.  
49/1960  
28/1961.

[29th December, 1960]

**1. Short title.** These Regulations may be cited as the Crown Lands Regulations.

**2. Interpretation.** In these regulations—

"Crown grant" means and includes every instrument effecting a sale of Crown lands under these regulations and also the renewal of any lease;

"Crown lands" shall have the same meaning as in the Ordinance;

"Crown surveyor" means the Crown surveyor and commissioner of lands and every land surveyor employed by the Government of this Colony under the Crown surveyor;

"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 Crown lands under these regulations;

"the Ordinance" means the Crown Lands Ordinance.

**3. Crown lands officer.** There shall be appointed a Crown lands officer who shall be responsible for undertaking all such duties in connection with the Crown lands office as may from time to time be assigned to him by the Administrator in Council or by the Crown surveyor.

**4. Register of Crown grants.** (1) There shall be kept at the office of the Crown surveyor a register of all leases and sales of Crown lands made under these regulations together with a copy of the Crown grant survey and diagram of survey and all other documents connected therewith.

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

**5. Conditions attaching to sale of land.** In every sale of Crown lands the Crown reserves—

- (1) All roads, paths, passages or tracks over and upon Crown lands or any part thereof which the commissioner may cause to be marked on the plan of the said lands.
- (2) The exclusive use of such portions of the lands as may be indicated on the plan by the commissioner, 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.
- (3) 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 purpose to enter upon such lands or any part thereof.
- (4) 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. Conditions of agricultural lease.** (1) Every lease of Crown 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—

- (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 Administrator in Council with the advice of a senior member of the agricultural department

nominated by the commissioner for agricultural development and the Crown 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 Administrator in Council with the advice of a senior member of the agricultural department nominated by the commissioner for agricultural development and the Crown 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 Administrator in Council after seeking the advice of the committee appointed by him and consisting of a senior member of the agricultural department nominated by the commissioner for agricultural development and a member of the agricultural advisory committee.

(3) Nothing in paragraph (1) of this regulation shall prevent the renewal in accordance with the provisions of regulation 13 of these regulations 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 such 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 Administrator in Council of land leased for the purpose of regulations 6 and 9, such dispute or difference shall be heard and determined by two arbitrators one of whom shall be the commissioner for agricultural development or a senior member of the agricultural department other than the member who advised the Administrator in Council in the first instance nominated by

the commissioner for agricultural development and a member of the agricultural advisory committee nominated by the aggrieved person.

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

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

**7. Applications.** (1) Applications for the sale or lease of Crown lands shall be made to the Crown surveyor 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: Provided that the Administrator in Council may permit the payment by instalments of the survey and all other fees.

(2) On receipt of the application the Crown surveyor shall forward the same, together with his report thereon, for the consideration of the Administrator in Council.

(3) If the Administrator in Council sees fit to entertain the application he shall return the same to the Crown surveyor 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 Administrator in Council does not entertain the application, the Crown surveyor 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 Crown surveyor shall proceed to make the necessary survey and diagram of the land authorised by the Administrator in Council to be surveyed.

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

(c) Where a survey made by a surveyor other than the Crown surveyor already exists, the Crown surveyor may in his absolute

discretion accept such survey for submission to the Administrator under paragraph 6 of this regulation.

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

(7) When after final consideration of the application, the Administrator 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 Crown surveyor who shall thereupon notify the applicant accordingly, and of the date and place fixed by him for the sale.

**8. Advertisement of application and notice of sale.** (1) After the applicant has been notified as in regulation 7 (7), the Crown surveyor 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 Crown surveyor within two weeks next after the publication of the last advertisement.

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

(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 Administrator may direct.

**9. Price of Crown land.** (1) The purchase price or rental of Crown lands shall be such as the Administrator in Council on the recommendation of a committee appointed by him for the purpose shall determine: Provided that rental at the rate approved shall be added to the purchase price when option to purchase is exercised by a lessee.

(2) The committee shall consist of the commissioner for agricultural development or a senior member of the agricultural department nominated by the commissioner for agricultural development, the Crown lands officer or such other persons as the Administrator in Council in any particular case may deem suitable, and any one member of the agricultural advisory committee nominated by the prospective purchaser or lessee.

**10. Payment.** (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 Crown surveyor 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 Crown lands office, due to the Attorney-General and the Crown surveyor, 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 Crown land 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 Crown lands are leased the rent shall be payable at the times provided in the lease to the Accountant-General.

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

**12. Default in payment of purchase money.** 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 Crown surveyor may either proceed to recover the same as a debt, or with the approval of the Administrator in Council, 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 such lands is in excess of the amount of purchase money and expenses, if any, unpaid, the Financial Secretary shall, on the warrant of the Administrator, pay so much of the excess as is sufficient to reimburse him for his expenses to the person in default, but if the amount realized at the sale be less than the amount owing, the person in default shall continue liable for the balance.

**13. Special rules applicable to lands held by persons at sufferance and at will.** No application for a Crown 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 Crown which have expired will be received from such persons, except in accordance with the following rules—

- (a) the person by whom the said lands are held may apply in accordance with these regulations to the Crown surveyor for a Crown grant of such lands;
- (b) such application must be accompanied by—
  - (i) the lease under which the land is or has been held or evidence to the satisfaction of the Administrator of the

contents thereof: Provided that 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 Crown surveyor 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 Administrator 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.

**14. Squatters.** (1) Subject to the provisions of subsection (1) of section 5 of the Crown Lands Ordinance, every squatter who has, for not less than twelve years, settled on Crown lands and has improved the same to the satisfaction of the Administrator in Council may make application for a Crown grant of the said land or any part thereof before proceedings are instituted for his ejectment.

(2) If the Administrator in Council is satisfied as aforesaid such squatter shall be entitled to a Crown grant for the fee simple absolute of the said land and a Crown grant will be issued to him on payment of the purchase price determined by the Administrator in Council under these regulations.

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

## FIRST SCHEDULE

(Reg. 7)

## APPLICATION TO PURCHASE CROWN LANDS IN DOMINICA

To the Crown Surveyor,  
Dominica.

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

(Regs 7 and 10)

## FEES, COSTS AND CHARGES

- 1—under 25 acres ... \$25.00 for the first acre plus \$7.00 per acre thereafter.
- 25—under 50 acres ... \$193.00 for the first 25 acres plus \$5.00 per acre thereafter.
- 50—under 100 acres ... \$318.00 for the first 50 acres plus \$4.00 per acre thereafter.
- 100 acres and over ... \$518.00 for the first 100 acres plus \$3.00 per acre thereafter.

	\$ cts.
Fee for advertisement of application for lots over 10 acres ...	2.00
Fee for advertisement of application for lots of less than 10 acres ... ..	1.00
Fee for Crown Law Officer's examination of title before sale of land, and for preparing Crown Grant in the case of lots exceeding 10 acres ... ..	12.00
Fee for Crown Law Officer's examination of title before sale of land and for preparing Crown Grant in the case of lots less than 10 acres ... ..	5.00
Fee for services of Registrar's Clerk for engrossing certificate of title (including forms) for lots exceeding 10 acres ...	2.00
Fee for services of Registrar's Clerk for engrossing certificate of title (including forms) for lots of less than 10 acres ...	1.00
Fee for services of Crown Surveyor under regulation 7 (5), (3) (in addition to any necessary expenses incurred by him to ascertain the correctness of the survey) as may be authorised by the Administrator, not exceeding ... ..	10.00

THIRD SCHEDULE (Reg 11)

DOMINICA.

Administrator.

ELIZABETH II by the grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth and Defender of the Faith.

To all to whom these present shall come

GREETING—

KNOW YE that WE DO by these presents for US our heirs and successors in consideration of the sum of..... sterling to us paid GRANT 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 Island of Dominica being a portion of..... and bounded as follows: ..... in the same manner and form as 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 AND WE DO HEREBY RESERVE TO US our heirs and successors 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 WE DO HEREBY FURTHER RESERVE TO US our heirs and successors the exclusive use of such portions of the said land as may be indicated on the plan by the Commissioner 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 with full liberty at all times to enter upon the said lands or any part thereof for any purpose whatsoever. AND WE DO HEREBY FURTHER RESERVE TO US our heirs and successors 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 WE DO HEREBY FURTHER RESERVE TO US our heirs and successors all mineral oils upon or under the said lands with full liberty at all times to enter the said lands or any part therefor for the purpose of searching for winning and taking away all and any mineral oil found therein. IN TESTIMONY WHEREOF WE have caused these OUR LETTERS to be made PATENT and our public seal appointed for our said Island of Dominica to be affixed hereto. WITNESS our trusty and well beloved .....Administrator of our said Island of Dominica this.....day of.....in the year of Our Lord one thousand nine hundred and.....and in the.....year of OUR REIGN.

**No. 2. Estate of Thomas Howell Vanterpool Deceased  
(Vesting) Order**

S.R.O.  
53/1951.

*Order in Council dated the 17th day of October, 1951, under section 17A of the Escheat Act, 1932, as amended by the Escheat (Amendment) Act, 1938, allocating a proportion of the estate of the above named deceased to Augustus Vanterpool and Alexander Vanterpool.*

[15th April, 1952]

WHEREAS by section 17A of the Escheat Act, 1932, it is enacted that the Administrator in Council may at his discretion deal with equitable and moral claims to property liable to escheat and allocate to any person duly proving to the satisfaction of the Administrator in Council his equitable or moral claim to the same such proportion or share of such property as to the Administrator in Council shall seem just but not exceeding nine-tenths thereof.

AND WHEREAS it is expedient by the Administrator in Council to allocate to Augustus Vanterpool and Alexander Vanterpool the natural brothers of Thomas Howell Vanterpool, deceased, part of the real estate of the said Thomas Howell Vanterpool, deceased (which estate has escheated to the Crown), as set out and to the extent specified in the Schedule to this Order.

NOW THEREFORE, the Administrator in Council doth approve and hereby allocate to the said Augustus Vanterpool and Alexander Vanterpool the real estate set out in the Schedule hereto to the extent specified in the said Schedule, they having to the satisfaction of the Administrator in Council proved their moral claim to the same.

**SCHEDULE**

An undivided one-third interest in 17 acres 0 roods 10 perches of land situate at Trafalgar in the Island of Dominica.

**CHAPTER 170**

**LAND ACQUISITION**

(None)

**CHAPTER 171**

**LONG ACRE**

(None)

**CHAPTER 172**

**LONG LANE VESTING**

(None)

1. This Order may be cited as the John Peltz Presmont Expulsion Order, 1963.

2. John Peltz Presmont a person not born in the Colony and a citizen of the United States of America, at present residing at Campbell in the parish of St. Paul, in the Colony of Dominica, is hereby ordered to leave the Colony on or before the 13th day of July, 1963, and thereafter to remain out of the said Colony.

## CHAPTER 169

## CROWN LANDS

## No. 1

## CROWN LANDS (AMENDMENT) REGULATIONS

Statutory Rules and Orders No. 13 of 1963

*Made by the Administrator in Council under subsection (1) of section 5 of the Crown Lands Ordinance.*

[23rd May, 1963]

1. These Regulations may be cited as the Crown Lands (Amendment) Regulations, 1963, and shall be read as one with the Crown Lands Regulations, as amended (hereinafter referred to as the principal Regulations).

Short title  
Cap. 169,  
No. 1.

2. For regulation 9 of the principal Regulations the following shall be substituted—

Amendment  
of regu-  
lation 9 of  
principal  
Regulations.

(1) The purchase price of Crown 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 Administrator in Council shall from time to time determine upon the recommendations of a committee to be known as the Crown Land Valuation Committee:

Price of  
Crown land.

Provided that when an option to purchase is exercised by a lessee who has paid his rent, such rental shall be deducted from the purchase price.

(2) Such Committee shall consist of—

(a) the Agricultural Superintendent or a senior member of the Agricultural Department, nominated by the Agricultural Superintendent, who shall be Chairman of the Committee;



- (b) the Crown Lands Officer or such other person or persons as the Administrator in Council 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 Crown Land Valuation Committee, in respect of any particular area of the Colony, or in respect of any particular parcel of Crown lands."

## CHAPTER 179

## ROADS

## No. 2

## PROCLAMATION

declaring certain roads to be public roads

BY THE ADMINISTRATOR

Statutory Rules and Orders No. 8 of 1962

## A PROCLAMATION

ALEC LOVELACE,  
*Administrator.*

[5th April, 1962]

WHEREAS by paragraph (a) of subsection (3) of section 4 of the Roads Ordinance, hereinafter referred to as the principal Ordinance, it is enacted that the Administrator, with the consent of the Legislative Council, may, by Proclamation published in the Gazette, declare that any road not scheduled shall thenceforth be a public road:

AND WHEREAS it was resolved by the Legislative Council on the 29th day of March, 1962, that the roads specifically mentioned in the Schedule shall henceforth be public roads:

NOW THEREFORE, I, ALEC LOVELACE, C.M.G., M.B.E., M.C., Administrator of the Colony of Dominica, by and with the consent of the Legislative Council of the said Colony and in exercise of the powers vested in me by the said Ordinance, DO HEREBY PROCLAIM AND DECLARE that the roads mentioned as aforesaid shall be public roads within the designation of paragraphs (a) and (c) of subsection 2 of section 2 of the principal Ordinance.

GIVEN at the Government House, Dominica, this 30th day of March, 1962, and in the eleventh year of Her Majesty's Reign.

GOD SAVE THE QUEEN!