

PEOPLE'S LAW NO. 21 OF 1981

PROCLAMATION

BY THE

PEOPLE'S REVOLUTIONARY GOVERNMENT

A Law to ensure the development and utilization of
Agricultural Land.

[*Gazetted 14th August, 1981*].

In the exercise of the powers vested in the People's Revolutionary Government by People's Law No. 2 (Establishment of People's Revolutionary Government) and in exercise of the powers vested in the Prime Minister by People's Law No. 10 (Declaration and Effect of Laws) it is hereby ORDERED and PROCLAIMED as follows:

PART I

PRELIMINARY

1.— This Law may be cited as the

Short title.

LAND DEVELOPMENT AND UTILIZATION

LAW, 1981.

2.— (1) In this Law —

“agricultural land” means land —

Interpretation.

(a) used for agriculture; or

(b) designated pursuant to section 3 as agricultural land;

“agricultural unit” means land —

(a) comprising or including one or more parcels of agricultural land (whether contiguous or not) of not less than the prescribed acreage in the aggregate;
and

(b) having the same person as occupier within the meaning of this Law, which is either being farmed as a unit or as respects which the Commission directs that it should be so farmed in the interest of full and efficient production;

“agriculture” includes horticulture, fruit growing, seed growing, forestry, dairy farming and live-stock breeding and keeping, the use of land as grazing land, pasture land, market gardens and nursery grounds;

“chairman” means the chairman of the Commission or any person for the time being performing the functions of the chairman;

“Commission” means the Land Development and Utilization Commission established under section 11;

“farm” means to carry on in relation to land any agricultural activity with a view to the proper development and utilization thereof;

“idle land” means land in respect of which an order under section 5 is in force;

“idle land order” means an order under section 5 declaring land to be idle for the purpose of this Law;

“Minister” means the Minister for the time being responsible for Agriculture;

“occupier”; in relation to land means the person having for the time being the right to farm the land;

“owner”, in relation to land, means the person in whom for the time being is vested the legal estate in fee simple;

“prescribed acreage” means, subject to section 26, one hundred acres or more, save as may be prescribed in particular cases by the Minister if the national interest so requires;

“relevant circumstances”, in relation to land, includes all circumstances affecting the farming.

(2) For the purposes of this Law the Commission shall keep in such form as it may determine a register of owners of land and other persons who are trustees of, or interested under, settlements as mentioned in subsection (3) of section 8, being in any case persons who in the prescribed manner apply to be entered on the register.

(3) References to this Law to the use of land for agriculture include, in relation to land forming part of an agricultural unit, references to any use of the land in connection with the farming of the unit.

3.—The Commission with the approval of the Minister may from time to time by order designate as agricultural land any land which, having regard to its situation, character and other relevant circumstances, the Commission considers ought to be brought into use for agriculture, so, however, that no order shall be made under this section in relation to land the use of which for some development purpose other than agriculture has been approved by the Government.

Designation
of Agricultural
land.

PART II

DEVELOPMENT AND UTILISATION OF LAND

4.—(1) For the purposes of this Law it shall be the responsibility of an occupier of an agricultural unit to farm the agricultural land in the unit to such extent as may be practicable having regard to the character and situation of the unit and other relevant circumstances.

Responsibility
of occupier.

(2) In determining whether the occupier of an agricultural unit is fulfilling his responsibility under this Law to farm the agricultural land in the unit regard shall be had to the extent to which and the manner in which —

(a) pasture is being maintained;

(b) arable land is being cropped;

(c) the unit is stocked where the system of farming practised requires the keeping of live-stock, so, however, that arable land which for two years or more has not been cropped or used for some other agricultural purposes approved by the Commission shall be conclusively presumed not to be farmed.

Power of
Commission
to declare
idle land.

5.—(1) Where it appears that the occupier of an agricultural unit is not fulfilling his responsibility under this Law to farm any agricultural land comprised in such unit, the Commission, if so satisfied after affording to the occupier an opportunity of making representations to the Commission whether in writing or on being heard by a person named by the Commission, may by order published in the **Gazette** declare such unit or any of the agricultural land therein to be idle land for the purpose of this Law.

(2) Subject to subsection (3) an order made under subsection (1) shall come into force at the expiration of thirty days from the date of publication thereof in the **Gazette**.

(3) An occupier may within twenty-one days (or such longer period as the Minister may allow) from the date of publication thereof in the **Gazette** and in the prescribed manner appeal to the Minister against any order made under subsection (1), and an order in

respect of which an appeal is filed shall not come into force unless and until it is confirmed by the Minister on the hearing of the appeal.

(4) Where an idle land order —

(a) has not been confirmed by the Minister pursuant to subsection (3); or

(b) is in force and the Commission is satisfied that it is no longer necessary that the order should continue in force, the Commission shall revoke the order and such revocation shall be published in the **Gazette**.

(5) Forthwith after the making of an idle land order the Commission shall serve a copy of the order on the occupier, and forthwith after the revocation of such an order the Commission shall serve notice of the revocation on the occupier.

(6) Where the owner of land is not also the occupier thereof and the Commission is aware of his interest in the land —

(a) an opportunity of making representations to the Commission shall be afforded under subsection (1) both to the owner and to the occupier;

(b) any service of a copy of an order or of a notice of the revocation of an order required by subsection (5) shall be effected both on the owner and on the occupier.

6.—(1) Subject to section 22 upon the coming into force of an idle land order the Commission shall cause to be served on the occupier of the agricultural land to which the order relates a notice requiring him to prepare

Power of Commission to require development plan.

and to submit to the Commission within such time as may be specified in the notice, not being less than six weeks after the notice is served on him, a development plan in respect of the farming of such agricultural land.

(2) Where a development plan is submitted to the Commission pursuant to subsection (1), the Commission may approve the plan or may reject the plan and cause a notice to be served on the occupier indicating the reason for rejecting the plan and requiring the plan to be modified in the respects specified in the notice and, within such time as may be so specified, submitted to the Commission for approval.

(3) A development plan approved by the Commission may with the approval of the Commission be modified by the occupier of the land to which it relates.

Changes of
occupier of
idle land.

7.— Where an idle land order is in force in respect of any land any disposition or devolution of that land, whereby some other person becomes the occupier of that land shall not affect the continued operation of the order or of any notice issued pursuant to section 6, and accordingly the order shall continue in force and the notice shall have effect in respect of such new occupier subject to such modifications as may be agreed with the Commission.

Acquisition of
leasehold
interest in
land.

8.—(1) Subject to the provisions of this section, where the occupier of idle land —

- (a) fails to comply with a notice under subsection(1) of section 6; or
- (b) fails to submit any revised plan required by the Commission or to comply with any notice issued by the Commission under subsection (2) of section 6; or

(c) fails to complete to the satisfaction of the Commissioner either---

- (i) all the work required to be done under the development plan approved by the Commission in relation to such land, within the period specified in such development plan for the completion of such work; or
- (ii) any part of the work required to be done under such development plan, within the period specified in such development plan for the completion of that part of the work.

the Commission may certify to the Minister accordingly and thereupon the Minister shall have power to acquire compulsorily a leasehold interest in the land or any part thereof under the provisions of this Law to the exclusion of any other tenancy, lease, license or other right to use or occupy the land.

(2) The Minister shall not exercise his power of compulsory leasing under subsection (1) until after affording to any such person as is specified in subsection (3) an opportunity of making representations to him, whether in writing or on being heard by a person appointed by him.

(3) The persons referred to in subsection (2) are, if the certificate relates to settled land, any person who after due inquiry is discovered to be a trustee of the settlement or who under the settlement has a vested interest in the land immediately following upon the interest of the person beneficially entitled to the land in possession or who, being an infant, is beneficially entitled to the land in possession.

(4) If it appears to the Minister that the land referred to in this section should be compulsorily leased under the provisions of this Law, he shall cause a declaration to that effect to be published in two

ordinary issues of the **Gazette** describing the area and location of the land in question and naming the person or persons who to the knowledge of the Commission have an interest in it.

(5) Upon the second publication of the declaration in the **Gazette** as aforesaid the land shall be let to in the Crown in right of the Government of the State by virtue of this section and the Minister and any person duly authorised by him may thereupon enter and take possession of the said land.

(6) The letting referred to in subsection (5) above shall be taken to extend to and include with the land all buildings, erections, fixtures, hedges, ditches, fences, ways, water, water-courses, liberties, privileges, easements, rights and advantages whatsoever appertaining or reported to appertain to the lands or part thereof or at the time of letting occupied or enjoyed with or reputed or known as part or parcel of or appurtenant to the lands or part thereof.

Terms and
extent of
lease

9.—(1) Where pursuant to section 8 the Minister acquires compulsorily a leasehold interest in land the lease shall be for such period not exceeding ten years as may be specified by the Minister or for any other period exceeding ten years as may be agreed by the person from whom the lease has been acquired.

(2) Where a leasehold interest in land is compulsorily acquired under subsection (1), the lease shall contain such terms and conditions including the right to sublet the land or any part or parts of it as may be determined by the Minister and may with the agreement of the owner of the land be renewed from time to time, and, subject to subsection (5) in default of such agreement the Minister shall have power —

(a) to renew the lease for a further period not exceeding ten years; or

(b) if he considers such renewal inexpedient to cause the land to be restored to the person entitled thereto.

(3) Any lease compulsorily acquired by the Minister under the provisions of this Law shall have priority in law and equity over all other interests judgements mortgages charges or incumbrances affecting the land or any part thereof, as if it had been first registered under the provisions of the Deeds and Land Registry Ordinance.

10.—(1) The compensation payable in respect of land compulsorily leased under this law shall, in the absence of agreement, be determined by the Commission in accordance with the following principles —

(a) annual rental shall be payable for the land on the basis that each year's rent shall be the equivalent of one per centum of the unimproved value of the land as agricultural land at the time of commencement of the lease or any renewal thereof, as the case may be;

(b) it shall be a condition of the lease of the land—

(i) that all land tax, shall during the continuance of the lease, be paid by the Minister, and

(ii) that if there is in force an approved mortgage of the land, payments of interest in conformity with the terms of the approved mortgage, during the continuance of the lease, shall be made by the Minister, and payments of capital under the said mortgage shall be paid by the mortgagor, unless otherwise agreed upon by the Minister and the owner of the land.

(2) Subject to the provisions of subsection (4), for the purposes of this section —

- (a) "approved mortgage" means a mortgage which the Commission is satisfied, after affording the parties thereto an opportunity of making representations to the Commission (whether in writing or on being heard by a person appointed by the Commission) —
- (i) was not entered into in contemplation of the application of this section; and
 - (ii) gave rise to proceeds which, in so far as they have been received from the mortgagee, are included in expenditure incurred for the purpose of the purchase, development or improvement of the land so mortgaged, so, however, that whenever a part only of the proceeds is so included, the mortgage shall be treated as an approved mortgage in relation only to that part;
- (a) where this section applies to a part only of the land to which an approved mortgage relates, the Commission after affording the parties thereto like opportunity as mentioned in paragraph (a), may make such apportionment of the interest and capital to that part as the Commission deems meet.

PART III

LAND DEVELOPMENT AND UTILIZATION COMMISSION

Establishment and incorporation of Land Development and Utilization Commission.
Schedule.

11.—(1) There is hereby established a body to be called the Land Development and Utilization Commission which shall be a body corporate with perpetual succession and a common seal and with power to acquire, hold and dispose of property, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Law.

(2) The provisions of the Schedule shall have effect as to the constitution, operations and expenses of the Commission and otherwise in relation thereto.

(3) The seal of the Commission shall be authenticated in the manner prescribed in the Schedule and shall be judicially and officially noticed.

12.— The Minister may, after consultation with the chairman, give to the Commission such directions of a general character as to the policy to be followed by the Commission in the performance of its functions as appear to the Minister to be necessary in the interest of the Island, and the Commission shall give effect thereto.

Power of Minister to issue general directions in matters of policy.

13.— It shall be the duty of the Commission —

Duties of Commission

- (a) to ensure that occupiers of agricultural units fulfil their responsibilities under this Law to Farm the agricultural land in such units;
- (b) to ensure that such agricultural land is, as far as possible, properly developed and utilized; and
- (c) to perform such other functions as may be required by the Minister.

14.— For the purpose of performing its duties under this Law the Commission may require owners and occupiers to furnish such information pertaining to land owned by them or in their possession or control, as the Commission may require, and without prejudice to the generality of the foregoing, the Commission may require from owners or occupiers of land information as to—

Powers of Commission to require information.

- (a) the area of the land owned or occupied, as the case may be, and the boundaries thereof;
- (b) the area of the land in use, and the nature of use;
- (c) the form of tenure under which the land is occupied;
- (d) the number of tenants (if any) in occupation of the land;
- (e) any encumbrances relating to the land;

- (f) the particulars of any registration number, volume, folio, or other information in relation to the land or persons having interest therein recorded in any official records concerning the land or title thereto.

Power of
inspection.

15.—(1) Subject to subsection (2) any member of the Commission or any person authorized in writing by the Commission in that behalf may at any time in daylight —

- (a) enter upon any land for the purpose of —
 - (i) inspecting the condition of the land or of any agricultural activity thereon;
 - (ii) ascertaining what crops are cultivated and the conditions under which such crops are so cultivated and the crops which are most suitable to be cultivated upon the land; or
 - (iii) ascertaining the expediency or otherwise of the doing upon the land of any agricultural activity;
- (b) inspect the condition of such land or of any agricultural activity thereon; and
- (c) take such angles, bearings or measurements of the land or samples of the soil upon the land as may be necessary for the purpose for which that person entered upon the land.

(2) A person shall not enter upon any land under the provisions of this section without the consent of the person in residence on the land or, if there is no such person, the occupier of the land —

- (a) unless he has given to such person or to such occupier, as the case may be, not less than three days' notice of his intention to enter upon such land; or
- (b) if the name or address of such person or of such occupier, as the case may be, is not known to and cannot reasonably be ascertained by him, unless a period of not less than three days has elapsed since he has posted on or near to the land a notice of his intention to enter upon the land.

PART IV

GENERAL PROVISIONS

16.—(1) Any notice or other document required or authorized by or under this Law to be given to or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter. Service of notices.

(2) Any such document required or authorized to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body,

(3) For the purposes of this section the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.

(4) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable, after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing it to him by the description of the person having that interest

in the land (naming it), and delivering the document to some responsible person on the land or by affixing it to a copy of it to some conspicuous object on the land.

Information as to dealings in agricultural land.

17.— The Minister may by regulation require that parties to any sale of agricultural land or to any grant, assignment or surrender of a tenancy of such land for an interest not less than that of a tenant for a year, shall within the prescribed period from the completion of the transaction furnish to the Minister, in such manner as may be prescribed, information as to the nature of the transaction, the names and addresses of the parties to the transaction and the situation and extent of the land thereby affected.

Restriction on disposition of agricultural land.

18.— An owner or occupier of, or any other person having an interest in, agricultural land of any size whatsoever shall not without the approval in writing of the Commission—

- (a) sell, lease, let or otherwise charge or encumber or subdivide the land or any part thereof; or
- (b) transfer or assign his interest therein or in any part thereof, whether or not for any consideration :

and any such sale, lease, letting, charge, encumbrance, sub-division, transfer or assignment shall not have effect unless and until it is approved by the Commission.

Power to make regulations.

19.— The Minister may make regulations prescribing anything which may be or is required to be prescribed under this Act and generally for the better carrying into effect of the provisions of this Act.

Offences.

20.— Any person who—

- (a) assaults or obstructs a member, servant or agent of the Commission acting in the execution of his duty under this Act; or

- (b) having been required by the Commission under section 17 to furnish any information, refuses without just cause or lawful excuse to furnish such information, or knowingly furnishes false information,

shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

21.— In relation to any lots resulting from a sub-division of agricultural land, being a sub-division or development sanctioned under any law after the first of January, 1981, anything provided by virtue of this Act which restricts by reference to a number of acres the application of any provisions of this Act shall apply as if the number of acres so referred to has been reduced to such extent as may be necessary to allow the application of such provisions to those lots.

Application of this Law to subdivisions of agricultural land.

22.— Notwithstanding anything to the contrary in section 6, or in subsection (1) of section 8 upon the coming into force of an idle land order made under Part II the Minister may, if he thinks fit, having regard to the circumstances of the case, acquire compulsorily a leasehold interest in any land to which such order relates without having regard to the provisions of section 6 or of section 8(1). The provisions of subsections (2), (3), (4), (5), and (6) of section 8 shall apply *mutatis mutandis* to an acquisition by the Minister under this section.

Development plan to be dispensed with in certain circumstances.

23.— The provisions of this Law shall have full force and effect notwithstanding the provisions of any other Law relating to land or interests therein.

SCHEDULE

(Section 11)

THE LAND DEVELOPMENT AND UTILIZATION COMMISSION

Appointment of members.

1. The Commission shall consist of seven persons to be appointed by the Minister.

Temporary appointments.

2. The Minister may appoint any person to act temporarily in the place of any member of the Commission in the case of the absence or inability to act of such member.

Chairman

3.—(1) The Minister shall appoint one of the members of the Commission to be the chairman thereof, and may in the case of the absence or inability to act of the chairman appoint any other member of the Commission to perform the functions of the chairman.

(2) In the case of the absence or inability to act, at any meeting, of the chairman the remaining members of the Commission shall elect one of their number to preside at that meeting.

Tenure of office

4.—(1) The appointment of every member of the Commission shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

(2) Every member of the Commission shall be eligible for reappointment.

(3) Notwithstanding anything to the contrary the Minister may at any time revoke the appointment of the chairman or any other member of the commission.

Resignation.

5.—(1) Any member of the Commission other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Commission.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect from the date of the receipt of such instrument by the Minister.

Publication of membership

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

Authentication of seal and documents

7.—(1) The seal of the Commission shall be authenticated by the signatures of chairman or one member of the Commission authorized to act in that behalf and an officer of the Commission authorized to act by the Commission.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the chairman or any member or officer of the Commission authorized to act in that behalf.

Procedure and meetings.

8. —(1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Commission shall determine.

(2) The chairman may at any time call a special meeting of the Commission and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Commission.

(3) The Chairman or, in the case of the absence or inability to act of the chairman, the person elected in accordance with the provisions of sub-paragraph (2) of paragraph 3 shall preside at the meetings of the Commission, and when so presiding the chairman or the person elected as aforesaid, as the case may be, shall have an original and a casting vote.

(4) The quorum of the Commission shall be three members of the Commission including the chairman or the person elected to preside as aforesaid.

(5) Subject to the provisions of this Schedule the Commission may regulate its own proceedings.

(6) The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remuneration of members.

9. There shall be paid to the chairman and other members of the Commission such remuneration, if any (whether by way of salaries or travelling or other allowances), as the Minister may determine.

Funds of the Commission.

10. The funds of the Commission shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Law by Cabinet or such other moneys as may lawfully be paid to the Commission.

Power to appoint officers, agents and servants.

11.—(1) The Commission may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers agents and servants as it thinks necessary for the proper carrying out of its functions :

Provided that no appointment to a post carrying a salary in excess of the rate of six thousand dollars per annum shall be made without the prior approval of the Minister.

(2) The Public Service Commission may, subject to such conditions as it may impose, approve of the appointment of any public officer in the service of Grenada to any office with the Commission and any public officer so appointed shall in relation to pension, gratuity or other allowance and to other rights as a public officer, be treated as continuing in the service of the Government,

Protection of members of Commission.

12.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Commission in respect of any act done bona fide in pursuance or execution or intended execution of this Law.

(2) Where any member of the Commission is exempt from liability by reason only of the provisions of this paragraph the Commission shall be liable to the extent that it would be if the said member was a servant or agent of the Commission.

Office of Chairman or member not a public office.

13. The office of chairman or member of the Commission shall not be a public office for the purposes of Grenada Law.

Accounts and audit and estimates.

14.—(1) The Commission shall keep proper accounts and other records in relation to the business of the Commission and shall prepare annually a statement of accounts in a form satisfactory to the Minister and shall submit the same from time to time with vouchers to the Accountant General to be audited..

(2) The Commission shall, on or before the thirty-first day of September in each year, submit to the Minister for his approval, its estimates of revenue and expenditure in respect of the financial year commencing on the first of January next following.

Annual report.

15.—(1) The Commission shall, as soon as practicable after the end of each financial year, cause to be made and transmit to the Minister a report dealing generally with the activities of the Commission during that financial year, and containing such information relating to the proceedings and policy of the Commission as can be made public without detriment to the interest of the Commission.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the Accountant General's report thereon and on the accounts to be laid before Cabinet.

Power of Minister to require returns.

16. The Commission shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Commission, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Dated this 14th day of August, 1981,

MAURICE BISHOP
Prime Minister.