

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 108

LAND SETTLEMENT (PERPETUAL LEASES OF STATE LAND) ACT

[30th December, 1966]

Act 14 of 1966.
Sl. 95 of 1975.
Sl. 72 of 1976.
Act 23 of 1976.

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Grant of perpetual leases.
4. Terms and conditions.
5. Transfer, encumbrance, etc., of perpetual lease.
6. Perpetual lease not part of estate of settler.
7. Settler may nominate person to take over on his death.
8. Perpetual lease not liable to seizure for debt.
9. Regulations.

1 This Act may be cited as the Land Settlement (Perpetual Leases of State Land) Act.

2 In this Act, unless the context otherwise requires –

"authorised transferee" means a person to whom a perpetual lease has been transferred by a settler with the written permission of the Government;

"holding" means the portion of State land held by a settler under a perpetual lease;

"nominee" means a person acceptable to the Government whom a settler has nominated to take over the perpetual lease on his death;

"perpetual lease" means a lease of State land granted for the purposes of land settlement and which shall endure in perpetuity unless it lapses or is terminated or surrendered;

"prescribed" means prescribed by the regulations;

"settler" means a person to whom the Government has granted a perpetual lease of State land for the purposes of land settlement and includes a nominee and an authorised transferee;

"the Government" means the Government of Seychelles;

"the regulations" means the regulations made under section 9.

3 Notwithstanding anything in any law to the contrary it shall be lawful for the Government to grant perpetual leases of State land for purposes of land settlement.

4 A perpetual lease shall be subject to its terms and conditions and to the provisions of this Act.

5 A perpetual lease and any property or rights attached thereto or connected therewith shall not in any way be transferred, encumbered, mortgaged or otherwise given as security without the express permission in writing of the Government given under the hand of the prescribed authority or any person authorised by such authority for the purpose and any transfer, encumbrance, mortgage or security effected or given in contravention of the provisions of this section shall be null and void to all intents and purposes.

6 A perpetual lease shall not form part of the estate (succession) of the settler and on the settler's death it shall not pass to or devolve upon any of his heirs, legatees or other legal representatives.

7 (1) The settler may nominate a person to whom he wishes the perpetual lease to pass on his death.

(2) Before nominating such a person the settler must receive written notification from the prescribed authority that such person is acceptable to the Government as a settler.

(3) If a settler dies without leaving a nominee the perpetual lease shall lapse and the holding with all the buildings, plantations and improvements thereon shall revert to the Government in full ownership without claim for any payment whatsoever by way of indemnity or otherwise except in so far as may be specially provided under the terms and conditions of the perpetual lease or as may be prescribed.

(4) A nominee shall have all the rights and obligations of the settler as regards the perpetual lease and all other collateral or related agreements.

8 A perpetual lease shall not be liable to be seized in satisfaction of a debt and the creditors of the settler shall have no claim or right over it.

9 The Minister may make regulations for carrying out the objects and provisions of this Act and, without prejudice to the generality of the foregoing power, such regulations may -

- (a) prescribe terms and conditions to be inserted in perpetual leases;
- (b) prescribe anything which is required to be or may be prescribed under this Act.

LAWS OF SEYCHELLES

CHAPTER 108

Sl. 8 of 1967.
Sl. 34 of 1977

LAND SETTLEMENT (PERPETUAL LEASES OF STATE LAND) ACT

Sections 5, 7(2), and 9

THE PERPETUAL LEASES OF STATE LAND (PRESCRIBED AUTHORITY)

REGULATIONS

[6th February, 1967]

1. These Regulations may be cited as the Perpetual Leases of State Land (Prescribed Authority) Regulations.
2. For the purposes of sections 5 or section 7(2) of the Act the prescribed authority shall be the Chief Development Officer.