



TURKS AND CAICOS ISLANDS

CHAPTER 9.08
**CROWN LAND (ILLEGAL
OCCUPATION) ORDINANCE**

Revised Edition
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

CROWN LAND (ILLEGAL OCCUPATION) ORDINANCE

Ordinance 11 of 2008 .. in force 1 January 2009

Page
3



TURKS AND CAICOS ISLANDS

CHAPTER 9.08
CROWN LAND (ILLEGAL
OCCUPATION) ORDINANCE

Revised Edition
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

CROWN LAND (ILLEGAL OCCUPATION) ORDINANCE

Ordinance 11 of 2008 .. in force 1 January 2009

Page
3

Published in 2011
On the authority and on behalf of the Government of the Turks and Caicos Islands
By
The Regional Law Revision Centre Inc.

Available for purchase from—

Attorney General's Chambers
Waterloo Plaza
Airport Road
Grand Turk
Turks and Caicos Islands
British West Indies

Tel: (649) 946-2096
Fax: (649) 946-1329
Email: attorneygeneral@tciway.tc

Printed on the authority and on behalf of the Government of the Turks and Caicos Islands
by
The Regional Law Revision Centre Inc.
P.O. Box 1626, Hannah-Waver House, The Valley, AI-2640, Anguilla
Authorised Printers for this Revised Edition

CHAPTER 9.08

CROWN LAND (ILLEGAL OCCUPATION) ORDINANCE

(Ordinance 11 of 2008)

AN ORDINANCE TO PROHIBIT ILLEGAL OCCUPATION ON CROWN LAND AND FOR CONNECTED PURPOSES.

Commencement

[1 January 2009]

Short title

1. This Ordinance may be cited as the Crown Land (Illegal Occupation) Ordinance.

Interpretation

2. In this Ordinance—

“Commissioner of Lands” means the person appointed as such in the public service;

“Crown land” means land, whether or not it is covered by water, that has not been the subject of a freehold grant by the Crown, or expressly identified as private land in the Registered Land Ordinance, or any land for which a register folio does not exist or land of which the Crown is registered as the lessee under the Registered Land Ordinance;

“Minister” means the Minister with responsibility for land;

“senior officer” means the person appointed as Deputy Commissioner of Lands or Assistant Commissioner of Lands in the public service.

Offences

3. (1) Any person who without lawful authority—

(a) uses or occupies Crown land;

(b) constructs any building, structure or clears or undertakes any other work on Crown land;

(c) abandons any vehicle, vessel or chattel on Crown land,

commits an offence and is liable on summary conviction to a fine of \$10,000 or to a term of imprisonment of six months and on conviction on indictment to a fine of \$50,000 or to a term of imprisonment of two years or to both such fine and imprisonment.

(2) In addition to a penalty imposed pursuant to subsection (1), the court may order a person convicted of an offence pursuant to this section to restore the

land to a condition as nearly as practicable as it was before the offence was committed.

(3) Where an offence under this section is committed by a body corporate and it is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or of any person who was purporting to act in such capacity, he, as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.

Discontinuance of use etc. of Crown land

4. (1) Without prejudice to any proceedings under section 3, where any person does anything that is an offence under section 3(a) to (c), the Commissioner of Lands, or any senior officer duly authorised by him, acting under the authority of the Minister may, on notice to that person, do one or more of the following—

- (a) require the person to cease the unauthorised occupation of Crown land, give up possession of the Crown land and restore the Crown land to a condition satisfactory to the Minister;
 - (b) seize on behalf of the Government all improvements, goods, chattels or other materials on the Crown land;
 - (c) require the person to remove any improvements made by the person on the Crown land, to the satisfaction of the Minister, within the time specified in the notice.
- (2) The notice under subsection (1) shall state the following—
- (a) the time and place of the unauthorised occupation or possession or other contravention to which it relates;
 - (b) the person or persons to whom it is addressed;
 - (c) details of the unauthorised occupation or possession or other contravention to which it relates;
 - (d) the requirement, action or direction under subsection (1);
 - (e) the time period within which the person must act.

(3) Where a person on whom a notice has been served under subsection (1) fails or refuses to take the action required by the notice within the time so required, the Commissioner of Lands, or any senior officer duly authorised on his behalf, acting under the authority of the Minister may remove or demolish the structure in any manner that the Minister considers expedient and require the person to pay for the costs and expenses of the removal or demolition.

(4) Any cost incurred pursuant to subsection 3 may be recovered by the Commissioner of Lands as a debt due to the Government from the person upon whom the notice was served.

(5) Proceedings for the recovery of expenses under this section shall be commenced within 12 months from the date of the first demand therefor.

Transitional

5. No prosecution under section 3, shall be instituted against a person who immediately before the date of the coming into operation of this Ordinance is in occupation or possession of Crown land, without lawful authority, if he ceases using, possessing or occupying the Crown land within 60 days from the date of commencement of this Ordinance.
