



ST. CHRISTOPHER AND NEVIS

CHAPTER 10.06

GOVERNMENT LANDS REGULATION ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

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CHAPTER 10.06
GOVERNMENT LANDS REGULATION ACT

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CHAPTER 10.06

GOVERNMENT LANDS REGULATION ACT

AN ACT TO MAKE PROVISION FOR THE VESTING OF ALL LANDS ACQUIRED BY THE GOVERNMENT OF THE STATE IN THE GOVERNOR-GENERAL; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Government Lands Regulation Act.

Government lands to vest in the Governor-General.

2. All lands either already acquired or which may hereafter be acquired by the Government of the State and which shall not, at the coming into operation of this Act, be otherwise vested by law, are hereby vested in the Governor-General.

Regulations.

3. It shall be lawful for Cabinet to make regulations with respect to the terms and conditions on which all lands referred to in section 2 may be rented, leased, occupied, sold or otherwise dealt with.

(Amended by Act 6 of 1976)

Penalty.

4. A person who violates or contravenes or fails to comply with any regulation made by the Cabinet under and by virtue of the provisions of this Act shall, on summary conviction, be liable to a fine not exceeding one hundred and fifty dollars or in default of payment thereof to imprisonment for a term not exceeding three months.

(Amended by Acts 7 of 1976 and 9 of 1986)

FIRST SCHEDULE*(Section 3)***BRIMSTONE HILL REGULATIONS****Citation.**

1. These Regulations may be cited as the Brimstone Hill Regulations.

Interpretation.

2. In these Regulations—

“child” means a person over the age of four years and under the age of fourteen years;

“citizen” means a person who is a citizen or who may become a citizen of Saint Christopher and Nevis under Chapter VIII of the Saint Christopher and Nevis Constitution Order 1983 or under any other law enacted by Parliament;

“the Hill” means Brimstone Hill;

“Minister” means the Minister charged for the time being with responsibility for Lands;

“resident” means a person who has habitually resided in Saint Christopher and Nevis for a period of at least one year immediately preceding the date of his or her intended visit to the Hill;

“the Society” means the Society for the Restoration of Brimstone Hill.

Control of Brimstone Hill.

3. The lands buildings and erections known as Brimstone Hill (in these Regulations referred to as “the Hill”) shall be under the charge and control of the Society in accordance with the terms of the Lease thereto dated the 3rd day of March, 1965, subject to the directions of the Minister.

Admission Fees.

4. Save as hereinafter provided, no person shall be admitted or shall be on the Hill unless the following admission fees shall first have been paid—

- (a) for an adult who is either a citizen or a resident and is not a member of an organised party of twenty or more persons\$1.00
- (b) for an adult who is neither a citizen nor a resident.....\$5.00
- (c) for a child, one-half of the fees payable under (a) or (b) as appropriate
- (d) for an organised party of between twenty and fifty persons who are citizens or residents..... \$10.00
- (e) for an organised party of fifty or more persons who are citizens or residents \$15.00

Provided that—

- (i) an organised party consisting wholly of school children who are citizens or residents shall be admitted free of charge;
- (ii) cultural groups rehearsing for performances to be staged at the Hill and which groups are authorised in writing by the Secretary

of the Society to stage the performances shall be admitted free of charge; and

- (iii) a party of twenty or more persons shall, unless exempted under these Regulations, in addition to paying the specified admission fee, make the deposit required by Regulation 5.

Deposit Against Damage.

5. No party of twenty or more persons shall be admitted to or be on the Hill unless a deposit of twenty dollars is paid by or on their behalf to the Treasurer of the Society by way of guarantee that it would leave the Hill and everything in connection with the lands, buildings or erections on the Hill in the same satisfactory condition as they were when it was admitted; and the deposit shall be accompanied by a statement in the following form—

“The Treasurer,

Society for the Restoration of Brimstone Hill.

I (We) herewith deposit the sum of \$20.00 as required by the Brimstone Hill Regulations, 1983 as a guarantee against damage, and I (We) agree to abide by all the provisions of those Regulations.

Signature

Address”

Liability for Proper Use.

6. All the members of a party on whose behalf a deposit is made shall be jointly and severally responsible for the proper use of all things on the Hill and of the sanitary arrangements provided for the convenience of the public, and may, at the end of the visit be required, before repayment of the guarantee deposit, to produce a certificate from the caretaker that everything in connection with the lands, buildings and erections is in the same satisfactory condition as it was when they were admitted.

Cleaning and Damage.

7. If the lands, buildings and erections are not left by a party by or on whose behalf a deposit has been made in a clean and proper condition at the end of its visit or if any damage has been done to any part of the lands, buildings and erections or to any furniture or fittings, the Society shall cause any necessary cleaning to be done, and shall do any repairs necessary, and make good any loss or damage to the furniture or fittings, before repayment of the guarantee deposit; and the cost of the same shall be deducted from the guarantee deposit; and if the deposit is insufficient to cover such damage or loss, the party by or on whose behalf the deposit was made shall forthwith on demand pay such further sum as may be necessary. In case of any dispute arising as to the extent of any such damage or loss, the decision of the Society shall be final and binding on all parties.

Exemptions.

8. The following persons shall be exempt from payment of admission fees—

- (a) public officers on duty; and
- (b) such persons as the Minister shall exempt from payment.

SECOND SCHEDULE*(Section 3)***GOVERNMENT LANDS REGULATIONS****Short title.**

1. These Regulations may be cited as the Government Lands Regulations.

Survey.

2. (1) All lands intended for settlement under or as part of any Land Settlement Scheme, shall be surveyed by the Superintendent of Public Works or other licensed surveyor appointed by the Governor-General for the purpose.

(2) A plan of the said survey shall be prepared as provided by regulation 4.

Reservations.

3. In making the survey the following reserves shall be made—

(1) All springs, wells and ponds, beds and banks of rivers and any important stream and a proper space around the source and either bank thereof;

(2) Swamps, exposed ridges and such land as may be deemed necessary for purposes of forest conservation;

(3) Any land which the Governor-General may approve as being necessary for the use of the Department of Agriculture including lands for reforestation;

(4) Any land necessary for roads and paths;

(5) Any land requisite for drainage;

(6) Any continuous tract of altogether precipitous or uncultivable land;

(7) Any land which the Governor-General shall consider necessary for public purposes,

and all such reservations shall be clearly demarcated on the plan and roads and ways of necessity from inside lots to the public roads clearly shown.

Allotments for Settlement.

4. (1) So far as is practicable the remainder of the land shall be divided into lots of an area to be approved by the Governor-General.

(2) The plan of the survey shall show with denoting numbers the plots into which the land is divided with the area of each such lot.

Advertisement of Lands for Settlement.

5. As soon as land is available for settlement and the price of the land has been fixed by the Governor-General, a notice shall be issued in the *Gazette* and local newspaper stating—

(a) Where and when the plan of the land can be seen;

(b) The price of the land; and that

(c) Applications for allotments shall be made to the Land Board.

Form of Application.

6. (1) Applications for an allotment shall be made to the Land Board in the form set out in the Schedule to these Regulations and shall be accompanied by a receipt showing that a deposit of \$4.80 has been paid into the Treasury, and in special cases the Governor-General may dispense with the deposit.

(2) Applications shall be for lots running contiguously, except with the special permission of the Land Board.

Refusal of Application.

7. If the application for an allotment is not granted, the Land Board shall inform the applicant and the Accountant-General shall refund the deposit (if any) paid into the Treasury.

Acceptance of Application.

8. If the application for an allotment is approved, the Accountant-General and Auditor shall be informed of the terms of payment and without delay a certificate in the following form shall be issued to the applicant and a duplicate of the same shall be kept in a proper register by the Land Officer:

SALE OF GOVERNMENT LAND TO SETTLERS

CERTIFICATE OF OCCUPATION

ST. CHRISTOPHER AND NEVIS

THIS IS TO CERTIFY THAT
of (hereinafter called the purchaser)
on the day of paid the
sum of being one part
of the purchase price (\$) for acres of land situate
in the Parish of and numbered.....
on the plan made by.....on the
day of, which plan can be seen on application to the Land
Officer or the Accountant-General.

The land herein specified is held subject to the following conditions—

(1) The purchaser shall pay to the Accountant-General \$..... the balance of the purchase price by fifteen yearly instalments of \$ each to be paid on the day of in each successive year and beginning in 20.....

(2) This Certificate shall be produced to the Accountant-General at the time of the payment of each instalment and a receipt for each payment shall be endorsed hereon by the Accountant-General.

(3) After the purchaser has been in occupation for ten years the balance of the purchase money then owing may be paid in advance at any time thereafter subject to a discount of 25% and the Accountant-General is authorised to receive such balance accordingly.

(4) Until the purchase money has been fully paid, neither the land specified herein nor any part thereof shall be alienated, let or incumbered without the consent in writing of the Governor-General.

(5) Until the purchase money has been fully paid, the purchaser shall carry out such instructions as to the clearing of the land, burning of bush or other material, the area of cultivation, the nature of crops to be planted, and the manner in which the land is to be cultivated and drained and the crops cared for, as may from time to time be given by an officer of the Agricultural Department.

(6) No transfer of or dealings with the right of the purchaser in the land specified herein or any part thereof shall be effected without written notice to the Governor-General duly authenticated to his or her satisfaction so that the Governor-General may have an opportunity of exercising a right of pre-emption at 5% above the price which has been *bona fide* offered for the land and so that he or she may be satisfied that the proposed transfer is suitable for the purposes of land settlement.

(7) If any instalment or part thereof be in arrears for six months after the due date of payment or in the event of any breach or non-observance by the purchaser of any agreement on his or her part herein contained, the Governor-General may cause a notice in writing to be given to the purchaser specifying the matter complained of and calling upon the purchaser to remedy the same within one month of the date of service of such notice.

(8) Such notice shall be served either by being delivered to the purchaser or person in possession of the land, or by being affixed to some tree, or posted on some other conspicuous part of the land.

(9) If at the expiration of one month from the service of such notice its requirements have not been complied with, the Governor-General may, by some person appointed by him or her, enter into possession of the said land or any part thereof in the name of the whole and may, either before or after such entry, sell the same by public auction or private contract, or otherwise dispose of or deal with the same as he may deem fit. On re-entry or sale this certificate shall be deemed to be cancelled and the previous payments made by the purchaser shall be forfeited, the same being taken by the Government as rent for the time during which the land was occupied by the purchaser.

(10) The Crown reserves all minerals, oils, springs and water in or under every allotment.

Dated this day of, 20

By Order,
Clerk to Governor-General.

Signed before and
in the presence of: }

Signed by the within
named purchaser in the
presence of: }

.....
(Signature of Purchaser.)

Conveyance of Title.

9. Upon payment of the purchase price in full, a proper conveyance shall be issued to the purchaser and the certificate of occupancy shall be surrendered to the land officer and filed by him or her.

SCHEDULE TO THE REGULATIONS

(Regulation 6(1))

SALE OF GOVERNMENT LAND TO SETTLER

APPLICATION

ST. CHRISTOPHER AND NEVIS

I of the parish of do here-by apply to become the purchaser of acres of land part of in the parish of for the sum of \$ and I hereto append deposit receipt from the Accountant-General for the sum of \$ and further, I agree to be bound by and to conform to the Government Lands Regulations Cap. 10.06 and the conditions set out in the Certificate of Occupancy in respect of my purchase.

Dated this day of, 20

Applicant

To

The Land Officer

THIRD SCHEDULE*(Section 3)***LA GUERITE LANDS REGULATIONS****Short title.**

1. These Regulations may be cited as the La Guerite Lands Regulations.

Definition of la Guerite lands.

2. The La Guerite Lands are the lands west of the present village and south of the public road leading from Basseterre to Sandy Point.

Conditions of rental lands.

3. The conditions under which the above mentioned lands are to be rented for house lots shall be as follows—
 - (a) rent to be 30 cents per month;
 - (b) no house to be less than 8 feet by 12 feet in size;
 - (c) no house or out-house (other than a latrine) to be nearer than 6 feet to a boundary;
 - (d) houses to be of wood and shingled or with a roof of galvanized sheets; no “trash houses” or huts made of packing cases to be allowed.

Rental of house lots.

4. House lots will be rented to people belonging to Basseterre or its neighbourhood, the object being to relieve congestion in the lower and crowded parts of the town and not to attract people from the country.
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FOURTH SCHEDULE

(Section 3)

SIMPSONS LAND, SANDY POINT (OCCUPANCY) REGULATIONS

Short title.

1. These Regulations may be cited as the Simpsons Land, Sandy Point (Occupancy) Regulations.

Control of Land.

2. The Land shall be under the charge of the Superintendent of Public Works.

Conditions of occupancy.

3. The Superintendent of Public Works may permit any person selected by him or her to occupy such portions of the land as are not leased to other persons, for a term of years not exceeding five, on condition that such person plants and maintains such trees suitable for establishing a forest reserve as may be selected and in such manner as may be directed by the Superintendent of Public Works and subject to such further conditions as the Superintendent of Public Works may impose.
