

## **CHAPTER 237**

### **THE LAND SETTLEMENT ACT**

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#### Section

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LAND SETTLEMENT

(29th December, 1939.)

S.R.O. 15/1939.  
22/1956.  
18/1989.

1. This Act may be cited as the Land Settlement Act. **Short title.**

PART I - PRELIMINARY

2. In this Act— **Interpretation.**

"small holder" means the holder of a small holding;

"small holding" means an agricultural holding allotted from lands declared to be a Land Settlement area under section 3.

3. The Cabinet may by order declare any area of Crown Land in Antigua and Barbuda to be a Land Settlement area. **Power to declare Crown Land as land settlement area.**

4. (1) Land declared to be a Land Settlement area shall be deemed to be appropriated to the uses of establishing and locating small holdings thereon under such system of administration and disposal thereof as the Cabinet may by rules made under this Act prescribe. **Appropriation of lands for establishment of small holdings.**

(2) The Cabinet may sell, exchange, let or otherwise dispose of any such land as may not be required for such uses.

PART II - RESTRICTION ON DEALINGS WITH LANDS ALLOTTED AND SOLD FOR SMALL HOLDINGS AND THE CROPS THEREON.

5. (1) No small holder shall let, sell, incumber or otherwise deal with (except by way of devise) any small holding or any right title or interest thereto without the consent of the Governor-General in writing: **Restriction on dealing with small holdings.**

Provided that on the decease of a small holder if the small holding would, by reason of any devise, bequest,

intestacy or otherwise, become sub-divided, the Governor-General may require the small holding to be sold within twelve months after such decease to some one person, and the proceeds of such sale to be distributed among the parties entitled thereto excluding creditors:

Provided further that the Governor-General shall pay due regard to the legal and moral rights of the members of the family of a deceased small holder in the event of such sale.

(2) So long as any amount shall be due and owing in respect of the purchase price of a small holding, no crop or part thereof shall be sold, incumbered or otherwise dealt with without the consent in writing of the Governor-General.

(3) Every dealing or attempted dealing with a small holding in contravention of the provisions of this section shall be void and on such contravention the small holding shall revert in the Governor-General.

(4) Notwithstanding anything contained in section 3 of the Judgments Act, and section 109 of the Title by Registration Act, a judgment for the payment of money shall not operate as or constitute a charge upon a small holding and the provisions of the said Acts (which relate to the sale of a judgment debtor's land) shall not apply to a small holding.

Cap. 227.  
Cap. 429.

### PART III - MISCELLANEOUS

Regulations.

**6.** (1) The Cabinet may make regulations for all or any of the following purposes—

(a) regulating the system of establishing and locating small holders of Land Settlement areas and of making advances to them;

(b) the administration and disposal of small holdings and all matters connected therewith or incidental thereto;

(c) providing for the clearance and maintenance of paths and drains on such lands;

(d) controlling and prohibiting the cultivation of certain kinds of crops on small holdings and prescribing the conditions under which such holdings may be

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cultivated, including the cultivation thereon of certain specified crops;

(*e*) prescribing the terms and conditions on or subject to which small holdings are to be sold;

(*f*) prescribing the forms to be used under this Act;

(*g*) the further and better carrying into effect the purposes of this Act.

(2) All such regulations, before they shall have any force or effect shall be laid before the Legislature and such Legislature may approve, or amend the same.

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