

**ANTIGUA AND BARBUDA**



**REGISTERED LAND (AMENDMENT) ACT, 2022**

**No. 25 of 2022**

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**ANTIGUA AND BARBUDA**  
**REGISTERED LAND (AMENDMENT) ACT, 2022**  
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[ L.S.]



I Assent,

**Rodney Williams,**  
*Governor-General.*

17 th November, 2022.

**ANTIGUA AND BARBUDA**

**REGISTERED LAND AMENDMENT ACT, 2022**

**No. 25 of 2022**

**AN ACT** to amend the Registered Land Act, Cap. 374 to make provision to revise the procedures relating to the mutation of the land register, the subdivision of contiguous parcels, the regulation of land reclamation and the use of the foreshore and seabed for purposes other than their use as a public right of way, navigation, fishing and relaxation.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

This Act may be cited as the Registered Land (Amendment) Act, 2022

**2. Interpretation**

In this Act—

“principal Act” means the Registered Land Act, Cap. 374

“foreshore” means the shore of the sea or of channels of creeks that is alternately covered and uncovered by the sea at the highest and lowest tides;

“reclamation of land” or “reclamation” includes the construction of bridges, piers, docks, quays, wharves, embankments, sea walls and other structures;

“sea-bed” means the bed of all territorial and inland tidal waters.

### **3. Amendment of section 16-Mutation**

**Section 16 of the principal Act is amended by the insertion after subsection (2) thereof of the following —**

“(3) Where, pursuant to subsection (1), the process of mutation is commenced but remains uncompleted for a period of eighteen months, the Registrar may discontinue the mutation process and, by notice in the *Official Gazette*, publish the names and addresses of all applicants whose application for mutation have been discontinued and request such applicants to reapply.

### **4. Insertion of Sections 162, 163, 164, 165, 166, 167 and 168**

#### **“162 Ownership of the foreshore and seabed**

- (1) Subject to the public right of way, navigation, fishing and relaxation, the ownership of the foreshore and seabed shall vest in the Crown.
- (2) No person shall erect any building or structure on the foreshore, or on or over the seabed without having first obtained a licence from the Minister.
- (3) Any person who desires to erect any building or structure on the foreshore, or on or over the seabed shall apply to the Minister for a licence to undertake such construction.
- (4) On receipt of an application under subsection (3), the Minister shall direct the appropriate officer to conduct an investigation of the area where the proposed construction is to take place and determine the effect such construction may have on the environment or to make such recommendations as he considers appropriate.
- (5) Where the appropriate officer advises the grant of a licence for the construction on or over the seabed the Minister shall notify any interested party in the area where the proposed construction is to take place.
- (6) The Minister shall, by regulation —
  - (a) make rules to govern the construction of buildings or erection of other structures on the foreshores, or on or over the seabed, and
  - (b) prescribe fees for licences and activities other than the exercise of the existing public rights.

**163 Reclamation of land**

- (1) The Minister shall, subject to the provisions of this section authorise the reclamation of land on the mainland or on the foreshore of Antigua and Barbuda.
- (2) Any person, who proposes to engage in land reclamation in any part in Antigua and Barbuda may apply to the Minister in the prescribed form for a licence to engage in such land reclamation.
- (3) The Minister shall, upon receipt of the application:
  - (a) require the Chief Environmental officer to investigate and submit a report as to whether the reclamation may have an adverse effect on the area to be reclaimed; and
  - (b) pursuant to subsection (2), notify any interested party and the public in general, of the proposed land reclamation.
- (4) The notification referred to in subsection (3) shall be published in —
  - (a) four successive issues of the *Official Gazette*;
  - (b) two issues of any newspaper circulating in Antigua and Barbuda; and
  - (c) three (3) successive radio announcements on the Government Radio Station; and
  - (d) a notice posted at a prominent place on the affected land for a period of three weeks.
- (5) The notification referred to in subsection (3) shall —
  - (a) describe the proposed reclamation and give the approximate size of the area to be reclaimed, and
  - (b) invite any interested party objecting to the reclamation or alleging loss of a right in respect thereof to submit his objections or loss of a right in writing, specifying the nature of his objection and, in the case of any allegation of loss or damage, which may be suffered, the estimated cost of such loss or damage.
- (6) Where after receiving the objections and claims, the Minister considered it expedient so to do, he may appoint a committee of three persons and designate one of them as chairperson

to inquire into the objections, the alleged losses and any other matter which he considers relevant to enable him to determine the application for approval.

- (7) The Minister may, after considering the report, determine whether to authorise the reclamation or not and, if he authorises the reclamation, he may impose on the applicant such conditions as he considers necessary for the protection of any public rights existing prior to the grant of approval.

#### **164. Reclaimed land to be vested in the Crown**

Any land reclaimed otherwise than under section 165 (2) shall vest in the Crown and the Cabinet may deal with the reclaimed land in a manner that is consistent with the public interest.

#### **165. Licence to reclaim land on the foreshore does not constitute a right**

- (1) Without prejudice to any public or private rights that may be affected thereby, this Act shall not apply to the filling by a landowner of the whole or any portion of the foreshore that borders on his land.
- (2) Nothing in subsection (1) shall be deemed to recognize or create any right or claim, or any greater right or claim than but for that subsection would exist and be recognized and enforceable by action in Court.

#### **166. Extinguishment of right**

Upon publication of the authorization of a proposed land reclamation, all public and private rights of navigation or fishing and rights ancillary thereto, all public and private rights of access or user, all other public or private rights (if any) in, upon or over the foreshore or sea-bed occupied by the proposed reclamation shall be extinguished and cease to exist.

#### **167. Limitation of claims**

- (1) Save as provided by this Act, no claim shall at anytime be made, action brought or continued in respect of the extinguishment under section 166 in whole or in part of any public or private right or in respect of the injurious affection, resulting from the reclamation, of any public right.
- (2) Any person who submitted a claim of private right in accordance with section 163 (5) (b), may, within three months submit a claim in respect of the extinguishment of such private right.

**168. Jurisdiction over the determination of claims**

The High Court, shall hear and determine any claim for compensation under section 167 in the same manner as any civil action instituted in such court:

- (1) Notwithstanding subsection (1) the Minister or Cabinet may enter into an agreement with any claimant for the compromise or settlement of his claim.”

Passed the House of Representatives on  
the 24th day of October, 2022.

Passed the Senate on the 31st day of  
October, 2022.

**Gerald Watt Q.C.,**  
*Speaker.*

**Alicia Williams Grant,**  
*President.*

**Rosemarie Smith- Weston,**  
*Clerk to the House of Representatives.*

**Rosemarie Smith- Weston,**  
*Clerk to the Senate.*