

ANTIGUA AND BARBUDA



THE BARBUDA LAND REGULATIONS, 2010

2010 No. 17

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THE BARBUDA LAND REGULATIONS, 2010

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ANTIGUA AND BARBUDA**THE BARBUDA LAND REGULATIONS, 2010****2010, No. 17**

THE BARBUDA LAND REGULATIONS made in exercise of the powers contained in sections 6, 14 and 18 of the Barbuda Land Act 2007, Act No. 23 of 2007.

1. Short title

These Regulations may be cited as the Barbuda Land Regulations, 2010.

2. Interpretation

In these Regulations unless the context otherwise requires—

“Act” means the Barbuda Land Act 2007.

“Barbudan” means—

- (a) a person born in Barbuda of whose grandparents at least one was born in Barbuda; or
- (b) a child, wherever born, of parents at least one of whom is a Barbudan within the meaning of paragraph (a);

“Council” means the Barbuda Council as established pursuant to section 2 of the Act;

“land” includes an interest in land;

“Land Registry for Barbuda” has the same meaning as defined in the Act;

“major development” has the same meaning as defined in section 2 of the Act;

“Minister” means the Minister with responsibility for Barbuda;

“Person” means a Barbudan as established pursuant to section 2 of the Act;

“The Registrar of Lands” means the person appointed to manage the Land Registry for Barbuda pursuant to the Act.

3. Procedure for the grant of exclusive rights of occupation.

(1) A person qualified under section 7 of the Barbuda Land Act 2007 for an exclusive right of occupancy shall—

- (a) apply to the Council on the form prescribed in Schedule II in triplicate;
- (b) pay the non-refundable processing fee, prescribed in Schedule I;
- (c) submit his birth certificate and the birth certificate of a grandparent who is born in Barbuda as evidence of the date and place of birth;
- (d) submit two photo forms of identification, which include but are not limited to, a passport, a driver's licence or a social security card;
- (e) provide evidence of the purpose for the use of the land that the applicant seeks to obtain;
- (f) submit only a single application at any one time for processing;
- (g) not be allowed to submit an application on the behalf of another;
- (h) not transfer or assign a pending application to another;
- (i) not be assigned more than a single parcel of land for its intended purpose within a ten (10) year interval;

(2) Every application for a parcel of land shall be determined within sixty (60) days of the application being accepted for processing;

(3) A person to whom the Council leases shall register the parcel of land so leased within three (3) months with—

- (a) the Registrar of Deeds in accordance with the Registration and records Act Cap. 375 and;
- (b) the Barbuda Land Registry.

(4) A Judge may, on cause shown, order any lease to be registered notwithstanding its not having been presented for registration within the time limited; and in such case, a copy of the order of the Judge shall be attached to the deed and registered therewith.

4. Conditions for the grant of a lease for major development of land

A person proposing to commence a major development of land in Barbuda shall—

- (a) apply to the Council for a lease;
- (b) submit a detailed proposal which includes building plans and cost of the project;
- (c) submit proof of the availability of sufficient funding to cover the cost of the project; and
- (d) pay the fee prescribed in Schedule I.

5. Conditions for the extension of a lease for major development of land

(1) The Council may, subject to subsection (2), extend the period of an original lease for a term of not more than forty-nine years.

(2) A person granted a lease by the Council under these regulations may apply to the council for an extension of the period granted to him for a further period of not more than forty-nine years if—

- (a) there is no default to the existing lease;
- (b) the project in respect of which the lease was granted has been completed; and
- (c) he pays the consideration prescribed in Schedule III.

(3) A person who is already the holder of a valid lease, at the commencement of these regulations, shall satisfy the covenants, terms and conditions of the existing lease before an application for an extension of the lease pursuant to sub-regulation (2) of this regulation is submitted.

6. Procedure for the cutting of timber

(1) A person who desires to cut timber shall—

- (a) apply to the Council for a licence to cut timber on the form prescribed in Schedule II;
- (b) pay the fee prescribed in the Schedule I.

(2) A licence to cut timber shall expire thirty days from the date of issue.

(3) Timber that has been cut pursuant to a licence granted under these regulations shall not be sold.

(4) A person who cuts timber pursuant to a licence granted under these regulations shall not export such timber.

(5) The Council shall determine the amount of timber that may be cut pursuant to any licence granted under these regulations.

(6) The Council shall determine the area from which such timber may be cut.

(7) A person who is licensed to cut timber pursuant to a licence under these regulations shall do so between the hours of 6:00 a.m. and 6:00 p.m. on Monday to Friday.

(8) A person who cuts timber pursuant to a licence granted under these regulations shall remove such timber from the area within seven (7) working days of felling such timber.

(9) The cutting of timber pursuant to the Barbuda Land Act shall be for local use only.

(10) The Council shall determine the kind of timber that is excluded from being cut pursuant to the licence granted.

(11) The Council shall determine when timber shall no longer be cut from a particular area.

(12) A Licence granted for the cutting of timber is not transferable.

(13) A Licence granted for the cutting of timber in a designated area shall be limited to the area designated in the licence.

(14) The Licensee shall be liable for any damage resulting from the violation of any of the conditions attached to the licence.

(15) The Council may suspend a license granted for cutting timber immediately, if the actions of the licensee pose a danger to a person, property or the environment, within the designated area.

(16) A person who violates any of the provisions of this regulation, commits an offence, and is liable upon summary conviction to a fine not exceeding \$2,500.00.

7. Procedure to obtain a license to burn coal

(1) A person desirous of burning coal shall—

(a) apply to the Council for a licence to burn coal on the form prescribed in Schedule II;

(b) pay the fee prescribed in the Schedule I.

(2) A licence to burn coal shall expire ninety (90) days from the date of issue.

(3) The burning of coal is prohibited without a licence granted by the Council.

(4) The Council shall determine the number of coal kilns existing in a particular area.

(5) The Council shall designate areas for the burning of coal.

(6) The Council may designate a common area exclusively for the burning of coal which shall be under the supervision of the Council.

(7) A person may be permitted by the Council to burn coal on land to which he has an exclusive right of occupancy provided that the land falls within the area designated by the Barbuda Council for the burning of coal.

(8) A person burning coal pursuant to a licence granted by the Council must do so in a manner that will not endanger the property of others.

(9) A Licence granted for the burning of coal is not transferable.

(10) A Licence granted to burn coal in a designated area shall be limited to the area designated in the licence.

(11) Where the actions of a licensee or any of his agents contravene any of the provisions of this regulation, the Council may suspend the licence after giving three days notice to the licensee.

(12) The Council may, without notice, suspend a licence for the burning of coal if the actions of the licensee or any of his agents create pose a danger to property or persons within the designated area.

(13) The Council may suspend without notice a licence granted under this regulation if the public interest so requires.

8. Right of Appeal

A person who is aggrieved by a decision of the Council may appeal to the tribunal established under regulation 9.

9. Appeals

(1) There shall be established a Tribunal, comprised of three persons all of whom shall be resident in Barbuda, and appointed by the Minister for the purpose of hearing an appeal in respect of decisions of the Council.

(2) The Tribunal shall have jurisdiction to hear any appeal made by or on behalf of a licensee.

(3) A Licensee whose licence is suspended under these regulations may appeal the decision of the Council to the Tribunal not later than 14 business days after such suspension.

10. Consent of the people

(1) Where any matter specified in the Act requires the consent of the people of Barbuda, the Council shall convene a meeting of all persons registered to vote at an election in Barbuda to discuss and vote on the matter in accordance with the provisions of this regulation.

(2) A meeting of the people of Barbuda to discuss a particular proposal shall be announced through the electronic and print media, by loudspeaker fixed or mobile and by posting a Notice of the time and place of the meeting and the proposal to be discussed at the Post Office, the Airport, The Council Hall, the Council Administration Building, the Police Station and any other place determined by the Barbuda Council from time to time.

(3) The proposal to be discussed at the meeting shall be included in the Notice posted in the places specified in sub-regulation (2) of this regulation.

(4) A proposal shall not be discussed at a meeting under this regulation unless the proposal has been included in the Notice, and posted fifteen (15) calendar days prior to the meeting.

(5) The quorum for a meeting convened under this regulation shall be 50.

(6) If a quorum is not constituted after one (1) hour of the appointed time of the meeting then the officer designated to preside at that meeting shall decide to postpone the meeting and such meeting shall be rescheduled within 3 business days of the aborted meeting.

(7) An aborted meeting shall be reconvened not later than the next business day following three business days after the meeting was aborted.

(8) Notice of the reconvening of an aborted meeting shall be given in the manner required under sub-regulation (2).

(9) In the event that a second meeting is aborted due to a quorum not being constituted after one hour of the appointed time of the meeting then the officer designated to preside over the meeting may decide to postpone the meeting and such meeting shall be rescheduled within 3 business days of the second aborted meeting.

(10) Where it is necessary to hold a third meeting and a quorum is not constituted after one hour of the appointed time of the meeting, then the majority of persons present at the third meeting shall, notwithstanding the absence of a quorum, discuss the matter and take a decision, which shall, for all the purposes of this regulation deemed to be a consent of the people of Barbuda.

(11) Voting at a meeting of the people of Barbuda shall be done by a show of hands unless by a show of hands the majority of the persons present determine that any vote at the meeting shall be held by secret ballot.

(12) Only persons at a meeting of the people of Barbuda who are Barbudans may cast a vote. A person who is not a Barbudan, who is present at the meeting may be allowed to participate in the meeting as the circumstances may require but shall not vote.

(13) A person shall not cast an absentee ballot.

(14) Notwithstanding the provision of sub-regulation (10), the people of Barbuda shall be entitled, if it is so requested by the majority at a properly constituted meeting, to vote by ballot outside of a meeting.

(15) The Chairman of the Council, or the Deputy Chairman in the absence of the Chairman, shall preside at a meeting of the people of Barbuda.

(16) Where both the Chairman and the Deputy Chairman are absent, the Secretary of the Barbuda Council shall preside over meetings convened under these regulations.

(17) A Certificate signed by the Chairman or the Deputy Chairman and Secretary of the Council certifying the result of the votes at a meeting of the people of Barbuda, shall be conclusive evidence of the decision of the people of Barbuda on the proposal before it.

(18) Consent of the people under the Act shall be deemed satisfied by presentation of the Certificate of Consent of the People signed by the Chairman, or in his absence the Deputy Chairman, and the Secretary of the Council.

11. Amendment

(1) These Regulations may be amended by a majority of the members present at a meeting of the Council after any proposed amendment has been circulated to the public for their input in written form for the consideration of the Council.

(2) Any proposed amendment to these regulations shall be published in at least one local newspaper, the electronic media and shall be posted at the places specified under regulation 10 (2).

(3) The public shall be provided with an opportunity to present written comments of the proposed amendments to the Council within 21 days of the publication of such notice.

Schedule I

Fees

Processing fee for grant of right of occupation	EC \$50.00	{regulation 3(b)}
Application fee for a lease for a major development of land		{regulation 4(1)}
Licencing fee for the cutting of timber	EC \$25.00	{regulation 5(1)(b)}
Licencing fee for the burning of coal	EC \$25.00	{regulation 6(1)(b)}

Schedule II

Forms

Form I

{Regulation 3}

Barbuda Land Act

Application for the grant of an exclusive right of occupancy

DESCRIPTION:

I/WE.....

HEREBY APPLY for the grant of an exclusive right of occupation of the plot of land comprised in the above-mentioned title for—

{ } construction of a dwelling in the areas of land in Barbuda designated by the Council for residential development.

{ } cultivation in the areas in Barbuda designated by the Council for cultivation.

{ } commercial purposes other than major developments.

Dated this day of 20

Signed by the Applicant.....

Witnessed by.....

Schedule III

{Regulation 5}

Consideration for the extension of a lease

Extension of ten (10) years or less	10% of the current rent payable.
Extension of more than ten (10) years but not more than twenty (20) years	15% of the current rent payable
Extension of more than twenty (20) years but not more than thirty (30) years	20% of the current rent payable
Extension of more than thirty (30) years but not more than forty (40) years	25% of the current rent payable
Extension of more than forty (40) years but not more than forty-nine (49) years	30% of the current rent payable

Made the 26th day of August, 2010.

Kelvin Punter,
Chair of the Barbuda Council.