



*EXTRAORDINARY*  
**OFFICIAL GAZETTE**  
**THE BAHAMAS**  
PUBLISHED BY AUTHORITY

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NASSAU

5<sup>th</sup> April, 2024

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# ROLLEVILLE COMMONAGE RULES, 2024

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OFFICE OF THE ATTORNEY-GENERAL AND MINISTRY OF LEGAL AFFAIRS

S. I. No 20 of 2024

**COMMONAGE ACT**

**(CHAPTER 152)**

**ROLLEVILLE COMMONAGE RULES, 2024**

**WHEREAS** pursuant to section 11(2) of the Commonage Act (Ch. 152) these rules have been laid before the Minister and the Minister has approved these Rules.

The Commoners, in exercise of the powers conferred by section 11(1) of the Commonage Act (*Ch. 152*), hereby make the following rules —

**1. Citation.**

These Rules may be cited as the Rolleville Commonage Rules, 2024.

**2. Interpretation.**

In these rules—

“**Administrator**” means a Family Island Administrator appointed under section 37 of the Local Government Act (*Ch. 37*)

“**Chairman**” means the Chairman of the Rolleville Commonage Estate Committee;

“**commoner**” means a person registered as a commoner in the Commonage in the settlement of Rolleville, in the Island of Exuma;

**3. Application.**

These Rules shall apply to all commoners of the Commonage in the settlement of Rolleville, in the Island of Exuma.

**4. Rolleville Commonage Estate Committee.**

(1) There is established a committee for purpose of managing the Commonage in the settlement of Rolleville, in the Island of Exuma to be

known as the Rolleville Commonage Estate Committee ( or “the RCE Committee”).

- (2) The RCE Committee shall comprise—
  - (a) a Chairman who will also be known as a Caretaker;
  - (b) a Vice Chairman;
  - (c) a Secretary;
  - (d) an Assistant Secretary;
  - (e) a Treasurer;
  - (f) an Assistant Treasurer;
  - (g) a Chaplain;
  - (h) a Land Policy Committee chairman; and
  - (i) two Land Policy Committee members, elected by registered commoners.
- (3) The Chairman may designate no less than two —
  - (a) field marshals; and
  - (b) advisors;to assist the RCE Committee in carrying out its functions under the Act and these rules.
- (4) All persons elected to serve on the RCE Committee must be —
  - (a) commoners; and
  - (b) residing on the island of Exuma.
- (5) A member of the RCE Committee shall serve for a term of one year.
- (6) Any RCE Committee member who fails to attend three (3) consecutive meetings without good cause is deemed to have forfeited his position and a successor shall be elected at the next general meeting by the registered Rolleville commoners.
- (7) A member of the RCE Committee who is found to have —
  - (a) misappropriated commonage funds;
  - (b) disposed of land without proper authorization;
  - (c) otherwise breached the Act or these Rules,shall resign immediately and shall not be qualified for election or appointment to the RCE Committee for a period not exceeding ten years.

## **5. Functions of the RCE Committee.**

- (1) The RCE Committee shall receive and review copies of applications from the Administrator in accordance with rule 8, and determine whether the

person applying to be registered as a commoner shall be registered and advise the Administrator of its determination.

- (2) The RCE Committee shall be responsible for receiving and determining applications from registered Rolleville commoners submitted under rule 12 to be granted a parcel of the commonage land for his use.

## **6. Register.**

- (1) The Administrator shall maintain a register of commoners for Rolleville, in accordance with section 3 of the Act.
- (2) The Chairman of the RCE Committee may keep a copy of the register referred to in paragraph (1).

## **7. Eligibility for registration as a commoner.**

- (1) A person is eligible to be registered as a commoner, if he —
  - (a) is able to prove that his direct ancestor is a descendent of Rolleville; and
  - (b) is 18 years old or older.
- (2) For the purpose of this rule “direct ancestor” means mother, father, grandmother or grandfather.

## **8. Application to be registered as a commoner.**

- (1) A person desirous of being registered as a commoner shall make application to the Administrator and the application shall be accompanied by a Government issued identification including a passport, driver’s licence, a valid National Insurance card or voter’s card.
- (2) The Administrator shall consider the application and may require further evidence to support the application.
- (3) In considering the application the Administrator shall forward a copy of the application and accompanying identification document to the RCE Committee requesting its advice on whether the person should be registered as a commoner.
- (4) In making a determination referred to in paragraph (1) the RCE Committee may interview and request further documentary evidence to prove that the person applying to be registered as a commoner direct ancestor is a descendent of Rolleville in accordance with rule 7.
- (5) The RCE Committee shall reply to the Administrator with its advice on approval or non approval for registration of the person as a commoner.
- (6) Any person applying to be registered as a commoner whose application is refused by the Administrator may appeal that decision to a Stipendiary and Circuit Magistrate.

**9. Fee.**

- (1) When a person is registered as a commoner he shall pay to the treasurer of the Commonage a registration fee and annual dues.
- (2) The registration fee and annual dues shall be set by the RCE Committee at its general meeting from time to time.
- (3) A commoner who is sixty (60) years or older or who is disabled shall be exempted from paying a registration fee and annual dues but shall continue to enjoy the same rights and privileges as if he was a paying commoner.

**10. Meetings.**

- (1) There shall be an annual meeting of commoners on the first Monday in the month of December.
- (2) In addition to the annual meeting, a special meeting of commoners may be summoned at any time by —
  - (a) the Administrator;
  - (b) the Chairman; or
  - (c) five or more registered commoners.
- (3) Public notice shall be given at least seven (7) days (except in an emergency twenty-four (24) hours) before any special meeting of commoners by an announcement in the media or by public announcement in the school, or churches.

**11. Land Policy Committee.**

- (1) There shall be established, a Land Policy Committee which shall be a sub-committee of the RCE Committee.
- (2) The Land Policy Committee shall comprise of three the members of the RCE Committee .
- (3) The Land Policy Committee shall—
  - (a) follow directions of the RCE Committee;
  - (b) identify land that may be available to be granted to a registered Rolleville commoner; and
  - (c) ensure the boundaries of any parcel of land that is granted to a commoner are marked.

**12. Application for commonage land.**

- (1) A commoner in good standing may apply to the RCE Committee for land to be used for residential, commercial, touristic or agricultural purposes.

- (2) The RCE Committee shall make investigations relating to an application submitted under this Rule as it sees fit.

**13. Grant of possession of land to a commoner.**

- (1) A grant of possession of land in the commonage shall be granted by the RCE Committee on the approval of a majority of the RCE Committee and evidenced by a letter addressed to the commoner and signed by the Chairman and the chairman of the Land Policy Committee.
- (2) The commoners shall be informed all grants of possession of land at the next general meeting following the grant.
- (3) Any land granted shall be in parcels of land measuring 100 feet by 120 feet.
- (4) Notwithstanding paragraph (3), large projects may be granted a parcel of land exceeding 100 feet by 120 feet on the approval of commoners at a special meeting of commoners.
- (5) A commoner shall be entitled to not more than two pieces of land of which one shall be his residence and the other for commercial or agricultural exploitation.
- (6) Land granted under this rule shall be used exclusively for the purpose stated in the application.
- (7) A commoner desirous of varying their land use approval may apply in writing to the RCE Committee.

**14. Rights of a registered Rolleville commoner over commonage land granted to him.**

- (1) A commoner shall be entitled to enclose any land granted to him in accordance with rule 13.
- (2) No person shall enter upon the lands of a commoner without his permission or other lawful excuse.
- (3) No commoner may allocate or authorize the use or occupation of any land that was granted to him by the RCE Committee to any other commoner without written authorization from the RCE Committee.
- (4) Notwithstanding paragraph (3), in the event that a commoner becomes ill or is absent from the community, any member of his immediate family or a commoner that he shall direct, may continue to cultivate or otherwise deal with the land on his behalf.

**15. Obligations of commoner.**

- (1) A commoner shall, prior to applying for permission for the arrangement of utilities, ensure that a proper garbage enclosure is erected on the land for which utilities arrangements are sought.
- (2) A commoner desirous of arranging for the provision of utilities shall apply in writing to the RCE Committee for a utility permission letter and shall show evidence of compliance with paragraph (1).

**16. Carrying out business on commonage land.**

- (1) No person shall carry out any trade or business unless he is a commoner who has been granted land for the purpose of carrying out business activities on that land.
- (2) No commoner or other person shall apply to any authority for —
  - (a) a licence to operate a business; or
  - (b) a permit to construct a house or any other building,upon commonage land unless he has first obtained permission from the RCE Committee.

**17. Forfeiture of possession of land.**

- (1) Any commoner who has been granted a parcel of land who fails to build on or cultivate that land in one year forfeits his claim to that land.
- (2) A commoner who has been granted land who has failed to commence building or cultivation within a year of the granted land may write to the RCE Committee for an extension.
- (3) Where an extension is granted and after two years the commoner has not cleared or cultivated the land, allowing the land to grow up in excess of five feet, that commoner forfeits his claim to that land.
- (4) Any other commoner may apply for the forfeited parcel of land.

**18. Limit on cultivation.**

- (1) No commoner shall cultivate any land within fifteen feet of another commoner's land, cultivated or not, without the consent of the commoner in occupation of the cultivated land or cleared land adjacent thereto.
- (2) No commoner shall burn any cultivated land within one hundred feet of another commoner land, cultivated or not without first giving proper notice of his intention to burn his cultivate land to the commoner whose cultivate land or cleared land is adjacent thereto.



- (3) Two or more field marshals or Land Policy Committee together with the Chairman shall assess any damages resulting in failure to comply with this rule.
- (4) A decision of the RCE Committee shall be final.

**19. Access to water.**

Every commoner shall be entitled, at all times to have free access to the beaches, all natural water places containing water and fair use and distribution of such water supply for drinking and other purpose.

**20. Environmental protection.**

The RCE Committee must —

- (a) ensure the environmental protection of all natural and sensitive areas of the Commonage of Rolleville such as ponds, beaches, wetlands, creeks, trees, caves and hills; and
- (b) ensure that there is no excavation of sand or quarry without the support and authorization of the RCE Committee.

**21. Dispute between commoners.**

- (1) Where any dispute arises between commoners other than a dispute arising in connection with rule 18 or any other matter relating to the use of such land, the Land Policy Committee together with the Chairman shall investigate the matter and give a decision on how the matter should be resolved.
- (2) The decision referred to in paragraph (1) shall made—
  - (a) within a reasonable time but not exceeding thirty days;
  - (b) be in writing; and
  - (c) include reasons for the decision.
- (3) An appeal from the Land Policy Committee together with the Chairman may be made to the RCE Committee and in every case the decision of the majority of the RCE Committee shall be final.

**22. Trespassers.**

- (1) Any person who is not a commoner and who, after three months from the date of commencement of these Rules, remains in occupation of land to which these Rules apply shall be in unlawful occupation of that land and be deemed to be a trespasser.
- (2) A commoner may apply to the Administrator for the eviction or ejection from the land of a person described in paragraph (1).

- (3) Nothing in this rule shall preclude the operation of any offence of trespass under the Penal Code against a person who is in unlawful occupation of commonage land.

**Made this 28<sup>th</sup> day of March, 2024.**

**Signed**  
**RUDY TAYLOR**  
**Chairman**  
**Rolleville Commonage Estate Committee**