

THE CROWN PROPERTY (VESTING) ACT

Law
21 of 1960.
Act
23 of 2013.

[6th June, 1960.]

1. This Act may be cited as the Crown Property (Vesting) Act. Short title.
2. In this Act unless the context otherwise requires— Interpre-
- “Accountant-General” means the Accountant-General appointed under section 15 of the Financial Administration and Audit Act; tion.
- “Commissioner” means the Commissioner of Lands appointed under section 3;
- “Committee” means the Land Divestment Advisory Committee established by section 5A; 23/2013 S. 2.
- “existing instrument” means—
- (a) any enactment in force in this Island at the commencement of this Act;
 - (b) any enactment which having been made before the commencement of this Act is brought into operation in this Island on or after the commencement of this Act;
 - (c) any regulations made under any such enactment as aforesaid;
 - (d) any transfer, conveyance, lease, will or other assurance of land executed before the commencement of this Act and existing at the commencement of this Act;
 - (e) any certificate of title registered by the Registrar of Titles in accordance with the provisions of the Registration of Titles Act and existing at the commencement of this Act;

- (f) any writ, certificate, decree or order issued, granted or made by any Court and existing at the commencement of this Act;
- (g) any deed or other instrument creating a mortgage, charge or other incumbrance on land and existing at the commencement of this Act; or
- (h) any certificate or other document relating to the holding of shares, debentures or other securities made before, and existing at, the commencement of this Act;

“land” means land of any tenure and tenements and hereditaments, whether corporeal or incorporeal, and houses and other buildings, and includes any estate, right or interest in, to or over land.

Commis-
sioner of
Lands.

3.—(1) The Governor-General may from time to time appoint a fit and proper person to be Commissioner of Lands.

(2) The Commissioner for the time being shall be a corporation sole by the name of the Commissioner of Lands and shall have power to acquire, hold and dispose of land and other property of whatever kind.

(3) The Commissioner shall have an official seal which shall be authenticated by the signature of the Commissioner and shall be officially and judicially noticed.

(4) Except in accordance with the provisions of any enactment or under any power or directions contained in any transfer, conveyance, will or other instrument, the Commissioner shall not, without either general or special authority in writing from the Minister—

- (a) sell, convey, exchange, grant, assign, surrender or yield up, mortgage, lease or let any land vested in him by or under this Act; or

- (b) sell, transfer, assign or otherwise dispose of any right or interest in any minerals or petroleum vested in him under section 5.

(5) In this section “Minister” means the Minister responsible for Crown Lands.

4.—(1) All lands which immediately before the commencement of this Act were vested in or held by the Chief Secretary are hereby transferred to and vested in the Commissioner and shall be held by him and his successors in the said office for the like estate and interest and to the like extent as such lands were vested in or held by the Chief Secretary.

Lands vested and to be vested in the Commissioner.

(2) All lands acquired, by whatever means, on or after the commencement of this Act, for the use of the Government of this Island, other than lands acquired by the Minister of Housing for the purposes of the Housing Act, shall be vested in the Commissioner for the time being and held by him and his successors in the said office in trust for Her Majesty, her heirs and successors—

- (a) for the purposes for which such lands are purchased, taken or held under any enactment; or
- (b) in accordance with the terms of the transfer, conveyance, lease, will or other assurance executed in relation thereto.

5. Where—

- (a) any mineral declared by the Minerals (Vesting) Act to be vested in the Crown; or
- (b) any petroleum vested in the Crown by the Petroleum Act,

Minerals and petroleum after severance from the land.

is severed from the land, then without prejudice to any rights, powers or duties conferred or imposed by any enactment or regulations upon the Commissioner of Mines in respect of such minerals or petroleum upon severance thereof from the land, all the rights and interests of the Crown in such

minerals or petroleum upon severance from the land shall vest in the Commissioner for the time being and be held by him and his successors in the said office in trust for or on behalf of Her Majesty, her heirs and successors.

Establishment of Land Divestment Advisory Committee. 23/2013 S. 3. Schedule.

5A.—(1) There is established for the purposes of this Act, a body to be called the Land Divestment Advisory Committee.

(2) The provisions of the Schedule shall have effect in relation to the constitution of the Committee and otherwise in relation thereto.

Functions of Committee. 23/2013 S. 3.

5B. Subject to the provisions of this Act, the functions of the Committee shall be to advise the Minister on—

- (a) the exercise of any general or special authority under section 3(4); and
- (b) any other matter referred to it by the Minister.

Minister may amend Schedule. 23/2013 S. 3. Incorporation of Accountant-General.

5C. The Minister may by order, subject to negative resolution, amend the Schedule.

6.—(1) The Accountant-General for the time being shall be a corporation sole by the name of the Accountant-General and shall have power to hold and dispose of land and other property of whatever kind.

(2) The Accountant-General shall have an official seal which shall be authenticated by the signature of the Accountant-General or any person authorized by him to act in that behalf and shall be officially and judicially noticed.

(3) Except in accordance with the provisions of any enactment or regulations or under any power or directions contained in any deed, will or other instrument, the Accountant-General shall not, without authority in writing from the Minister, sell, transfer, assign or otherwise dispose of any property vested in him by or under this Act.

(4) In this section “Minister” means the Minister responsible for finance.

7.—(1) All property held by the Chief Secretary or belonging to the Government of this Island immediately before the commencement of this Act, other than property vested in the Minister of Housing for the purposes of the Housing Act, or property transferred to and vested in the Commissioner by subsection (1) of section 4, is hereby transferred to and vested in the Accountant-General and his successors in the said office to be held (except where and to such extent as any such property was held on other trusts) in trust for the Government of this Island.

Certain property vested and to be vested in the Accountant-General.

(2) All property acquired, by whatever means, after the commencement of this Act, by or for the use of the Government of this Island, other than—

- (a) property required by subsection (2) of section 4 to be vested in the Commissioner;
- (b) any rights and interests in minerals or petroleum vesting in the Commissioner in accordance with the provisions of section 5; and
- (c) property acquired by the Minister of Housing for the purposes of the Housing Act,

shall be vested in the Accountant-General and his successors in the said office in trust for the Government of this Island.

8.—(1) Wherever the expression “Chief Secretary” appears in any existing instrument, so far as such instrument relates to the vesting of lands in, or the acquisition, holding, sale, conveyance, exchange, grant, assignment, surrender, mortgage, lease or letting thereof by the Chief Secretary, such instrument shall have effect on and after the commencement of this Act as if for the expression “Chief Secretary” there were substituted the expression “Commissioner of Lands”.

Transitional.

(2) Wherever the expression "Chief Secretary" appears in any existing instrument, so far as such instrument relates to the vesting in the Chief Secretary or the acquisition and holding or disposal by him of property being property vested or required to be vested in the Accountant-General in accordance with the provisions of this Act, such instrument shall have effect on and after the commencement of this Act as if for the expression "Chief Secretary" there were substituted the expression "Accountant General".

(3) The person who immediately before the commencement of this Act held the office of Commissioner of Lands shall be deemed, on the commencement of this Act, to be appointed under section 3.

SCHEDULE

(Sections 5A
and 5C)23/2013
S. 3.*The Land Divestment Advisory Committee*

1.—(1) The Committee shall consist of *ex-officio* members and appointed members. Constitution
of Com-
mittee.

(2) The following persons shall be *ex-officio* members of the Committee—

- (a) the Financial Secretary;
- (b) the Permanent Secretary in the Ministry responsible for land and the Senior Director responsible for Land Administration and Management in that Ministry;
- (c) the Permanent Secretary in the Ministry responsible for agriculture;
- (d) the Permanent Secretary in the Ministry responsible for housing;
- (e) the Chief Executive Officer of the National Land Agency;
- (f) the Commissioner of Lands;
- (g) the Chief Executive Officer of the National Environment and Planning Agency;
- (h) the President of the Jamaica Developers Association; and
- (i) the President of the Association of Land Economy and Valuation Surveyors.

(3) The appointed members shall be such number of persons, not exceeding five, as the Minister may appoint by instrument in writing, being persons appearing to the Minister to be knowledgeable and experienced in matters relating to land law, land surveying, land valuation or land management.

(4) An *ex-officio* member may designate a nominee, in the case of the member's absence or inability to act.

Appointment
of chairman.

2.—(1) The Minister shall appoint a chairman and a deputy chairman from among the appointed members.

(2) In the case of the chairman's absence or inability to act, the deputy chairman shall perform the functions of the chairman.

(3) In the case of the absence or inability to act at any meeting of both the chairman and the deputy chairman, the remaining members of the Committee shall elect one of their number to preside at that meeting.

Temporary
appointment.

3. The Minister may appoint any person to act temporarily in the place of any appointed member in the case of the absence or inability to act of such member.

Tenure and
office.

4.—(1) Subject to the provisions of this Schedule, an appointed member shall hold office for such period, not exceeding three years, as may be specified in the instrument of appointment.

(2) Every appointed member shall be eligible for reappointment, but no member shall be appointed for more than six consecutive years.

(3) If any vacancy occurs in the appointed membership of the Committee, the Minister may appoint any person to act in place of that member, so, however, that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of an original appointment under paragraph 1(3) and subject to the provisions of this Schedule, the newly appointed member shall hold office for the remainder of the period for which the previous appointed member was appointed.

(4) Notwithstanding anything to the contrary, the Minister may by notice in writing, at any time, revoke the appointment of the chairman or any other appointed member of the Committee, if he thinks it expedient so to do and shall state the grounds for revocation in the notice.

Leave of
absence.

5. The Minister may, on application of any member, grant to the member leave of absence for any period not exceeding six months and may appoint some other person to act as a member during the period of leave of absence so granted.

Resignation.

6.—(1) An appointed member other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and, from the date of receipt by the chairman of the instrument, the member shall cease to be a member of the Committee.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister and the resignation shall take effect as from the date of receipt of the instrument by the Minister.

7. The names of all members of the Committee as first constituted and every change in the appointed membership thereof shall be published in the *Gazette*. Publication of membership.

8.—(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Committee may determine. Procedure and meetings.

(2) The chairman—

(a) may, at any time, call a special meeting of the Committee; and

(b) shall call a special meeting to be held within fourteen days of the receipt of a written request for that purpose addressed to him by any two members of the Committee.

(3) The decisions of the Committee shall be by a majority of the votes and, in addition to an original vote, the chairman, deputy chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(4) The quorum of the Committee shall be seven members.

(5) Subject to the provisions of this Schedule, the Committee may regulate its own proceedings.

(6) Minutes of each meeting of the Committee shall be kept in proper form and confirmed as soon as practicable at a subsequent meeting.

(7) The validity of any proceedings of the Committee shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

9. There shall be paid to the chairman, the deputy chairman and other members of the Committee such remuneration (whether by way of honoraria, salaries or fees) and such allowances, as the Minister with responsibility for the public service may determine. Remuneration of members.

10. No member of the Committee shall be personally liable for any act or default of the Committee done or omitted to be done in good faith the course of the operation of the Committee. Protection of members.

Disclosure of
interest.

11. A member of the Committee who is, directly or indirectly, interested in any matter which is being dealt with by the Committee—

- (a) shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee; and
- (b) shall not be present during the deliberation of the Committee on the matter or take part in or otherwise seek to influence the decision of the Committee with respect thereto.

Office of
chairman or
member not a
public office.

12. The office of chairman, deputy chairman or member of the Committee shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.