

No. of 2024

VIRGIN ISLANDS
CROWN LANDS MANAGEMENT BILL, 2024
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I ASSENT

Governor.
 , 2024

VIRGIN ISLANDS

No. of 2024

A BILL FOR

AN ACT TO PROVIDE FOR THE ADMINISTRATION, MANAGEMENT, REGULATION, CONTROL AND DISPOSITION OF CROWN LANDS AND ALL OTHER MATTERS RELATED THERETO.

[Gazetted , 2024]

ENACTED by the Legislature of the Virgin Islands as follows:

PART I
PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Crown Lands Management Bill, 2024.
- (2) This Act shall come into force on a day the Governor may, by Proclamation published in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires,
 - “Advisory Panel” means the Crown Lands Ad Hoc Advisory Panels established for the purposes of this Act under section 19;
 - “Agricultural use” means the grant or disposition of Crown Lands for the uses under section 31 of this Act;
 - “Belonger” means a person deemed to belong to the Virgin Islands under section 2(2) of the Virgin Islands Constitution Order, 2007, U.K.S.I. 2007 No. 1678;
 - “Board” means the Crown Lands Management Board established under section 5 of this Act; “Commercial use” means the grant or disposition of Crown Lands for the uses under section 30 of this Act;

“Chief Lands Officer” means the Chief Lands Officer of the Crown Lands Unit appointed under section 24;

“Crown Lands” refers to land owned and managed by the Government of the Virgin Islands;

“enforcement notice” means a notice issued under section 39;

“Land” includes real property and the right to minerals underneath and the airspace over it; all things growing on it, houses, other buildings of any tenure, and other things permanently affixed to it; tenements and hereditaments, corporeal, or incorporeal of every kind and description; and any estate, right, title or interest in or over the land;

“Land-use plan” for Crown Lands is a plan which

- (a) includes provisions to protect and conserve natural ecosystems, biodiversity and sensitive habitats;
- (b) identifies areas of ecological significance and establish zoning regulations to guide sustainable land use development; and
- (c) designates conservation areas and protected zones on Crown Lands to safeguard critical habitats, endangered species and ecologically significant areas;

“Minister” means the Minister charged with responsibility for Crown Lands;

“policy” means the Virgin Islands Crown Lands Policy promoting Sustainable Management and Administration of Crown Lands;

“prescribed” means prescribed by regulations under this Act;

“reclamation” includes the construction of moorings, jetties, breakwaters, bridges, docks, sea-walls, landing-places and other structures;

“sea-bed” means the floor and subsoil of the sea between mean low watermark and the seaward limits of the territorial waters of the Territory;

“Seabed development” means development of lands pursuant to section 32 of this Act;

“Tribunal” means the Appeals Tribunal established under section 41 of this Act;

“Unit” means the Crown Lands Management Unit established under section 23 of this Act; and

“Virgin Islander” means a person as defined under 65(2) of the Virgin Islands Constitution Order, 2007, U.K.S.I. 2007 No. 1678.

Objects of the Act

3. The Objects of this Act are to

- (a) ensure that Crown Lands are managed for the benefit of the people of the Virgin Islands;
- (b) provide for principles applicable to the acquisition, management and disposal of Crown Lands;
- (c) provide for the collection, recording and dissemination of information relating to Crown Lands;

- (d) provide for a clear and transparent framework for the sustainable administration, development and use of Crown Lands in the Territory;
- (e) ensure there are adequate and suitable Crown Lands for use by Government for its administration, operations and achievement of agreed development objectives, in order to meet the needs of the public;
- (f) strategically facilitate the lease of Crown Lands to private parties to achieve development objectives;
- (g) facilitate disposal of Crown Lands, if available, to eligible Virgin Islanders without the means to otherwise acquire lands to facilitate affordable land and home ownership;
- (h) manage Crown Land development, especially in the marine space, to conserve biodiversity, reduce pollution from terrestrial and marine-based sources while supporting sustainable social and economic opportunities; and
- (i) acquire lands to increase the Crown's estate to facilitate achievement of development objectives, environmental protection or restoration and adaptation to climate change, including through migration and relocation strategies.

Application of Act and prior approval of Cabinet

4. (1) This Act is enacted pursuant to section 41 of the Virgin Islands Constitution Order, 2007, U.K.S.I. 2007 No. 1678, and must be applied in conformity with any published Crown Lands Policy in effect for the time being.

(2) This Act applies to all Crown Lands in the Virgin Islands, including the seabed within the boundaries of the islands.

(3) Any Grant or disposition of Crown Lands under this Act shall require the prior approval of Cabinet.

PART II

ESTABLISHMENT OF BOARD

Establishment of the Crown Lands Management Board

5. (1) There is established by this Act a Crown Lands Management Board (hereinafter referred to as the "Board") which shall

- (a) make recommendations to Cabinet on the grant and disposition of available Crown Lands to eligible persons; and
 - (b) monitor and control the enforcement of legislation relating to Crown Lands;
- (2) The Board in carrying out its functions under subsection (1) shall
- (a) act at all times in a transparent, accountable and responsible manner when dealing with the disposal of Crown Lands; and

- (b) properly consider the cultural and historical nuances of each island in the Territory when dealing with the disposal of Crown Lands subject to the recommendation of advisory panels and committees, where required, on such matters.

(3) The Minister may, give to the Board, in writing, such general directions not inconsistent with this Act, with respect to the performance of the Board's functions under this Act as the Minister considers necessary in the public interest for the administering of Crown lands and the Board shall give effect to such directions.

Membership and Secretary to the Board

6. (1) The Board shall comprise of not more than 11 persons as follows:

- (a) the Permanent Secretary of the Ministry responsible for Crown Lands or his or her designate, *ex officio*;
- (b) the Financial Secretary or his or her designate, *ex officio*;
- (c) the Chief Planner or his or her designate, *ex officio*;
- (d) eight other directors appointed, by the Cabinet by instrument in writing upon recommendation of the Minister as follows:
 - (i) four persons one representative each representing the islands of Tortola, Anegada, Virgin Gorda and Jost Van Dyke; and
 - (ii) four persons who are suitably qualified, knowledgeable and experienced in either the area of law, construction, banking or real estate.

(2) Vacancies for positions on the Board under subsection (1)(d) shall be advertised by the Ministry responsible for Crown Lands in a manner sufficient to bring to the attention of the public such vacancies.

(3) A person applying for a vacant position under subsection (2) shall be required to undergo an interview process by an interview panel which shall be responsible for selection of applicants to be forwarded to Cabinet for consideration upon the recommendation of the Minister.

(4) In appointing persons under subsection (1)(d)(i) and (ii), Cabinet shall be satisfied that such persons are fit and proper and have

- (a) the necessary experience, expertise and involvement in the sector for which they seek appointment; and
- (b) no conflict of interest in regards to their position on the Board.

(5) For the purpose of subsection (4) a person is fit and proper to be appointed to the Board if he or she

- (a) is a person of integrity, moral courage and competence and is able to exercise sound judgment and fairness; and
- (b) possesses public credibility.

(6) The members of the Board shall be appointed on such terms and conditions as Cabinet shall determine.

(7) The Minister shall designate a public officer from within the Ministry responsible for Crown Lands to be the Secretary for the Board.

(8) The Secretary shall

- (a) keep a record of the proceedings of the Board;
- (b) issue correspondences as directed by the Board; and
- (c) perform such other duties as the Board may direct.

Chairperson and Deputy Chairperson

7. The Cabinet, upon recommendation of the Minister shall appoint by instrument in writing a Chairperson and a Deputy Chairperson who shall be appointed from among the members of the Board appointed pursuant to section 6.

Tenure

8. (1) A member of the Board other than a government member shall hold office for a period not exceeding 3 years, but is eligible for re-appointment for an additional 3 year term on the expiration of his or her term of office.

(2) Notwithstanding the provisions of subsection (1), appointment of non-Government members shall be staggered to ensure that no more than two non-government representatives are re-appointed in any calendar year.

Resignation

9. (1) A member of the Board, other than the Chairperson or Deputy Chairperson may resign at any time, by notice in writing addressed to the Cabinet and transmitted through the Chairperson or Deputy Chairperson, and such resignation becomes effective upon receipt by Cabinet, unless otherwise specified to take effect on another date.

(2) The Chairperson or the Deputy Chairperson may resign at any time by notice in writing addressed to the Cabinet and such resignation becomes effective upon receipt by Cabinet, unless otherwise specified to take effect on another date.

Revocation

10. (1) Cabinet may revoke the appointment of a member of the Board, other than a government member if Cabinet is satisfied that the member

- (a) becomes a person of unsound mind;
- (b) is unable, unfit or unwilling to perform his or her functions as a member;
- (c) is absent from three consecutive meetings of the Board of which the member had notice except without leave of the Commission or without reasonable cause;
- (d) is guilty of misconduct in relation to his or her duties as a member of the Board;

- (e) is sentenced to imprisonment or is convicted of an offence involving fraud or dishonesty, whether in the Virgin Islands or elsewhere;
- (f) failed to notify the Board of a conflict of interest in any matter; or
- (g) acts in a way that is detrimental to the Board.

(2) Where a member is unable to participate in the business of the Board, by reason of illness or other cause, Cabinet may appoint a person to act as a member in his or her stead for that occasion or until termination of the disability.

(3) A person appointed temporarily pursuant to subsection (2) may complete any unfinished business of the Board in which he or she has taken part, notwithstanding the resumption of duty of the member in whose place he or she was appointed under this section.

Vacancy

11. (1) The office of a member of the Board becomes vacant if the member

- (a) dies;
- (b) completes a term of office and is not re-appointed;
- (c) resigns the office by giving written notice addressed to the Cabinet;
- (d) is removed from office by Cabinet for cause; or
- (e) is an undischarged bankrupt or has compounded with his or her creditors;
- (f) has been certified by a medical practitioner to be of unsound mind;
- (g) is convicted
 - (i) of an offence involving dishonesty that is punishable by imprisonment for 6 months or more;
 - (ii) of any offence that is punishable by imprisonment for 12 months or more;
 - (iii) in another country of an offence that, if committed in the Territory, would be an offence so punishable.

(2) Where any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another qualified person who shall hold office for the remainder of the period for which the previous member was appointed.

Publication of names of members

12. The names of all members of the Board as first constituted and every change in the membership of the Board shall be published in the *Gazette*.

Proceedings

13. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and where necessary may meet at least once in every calendar month, once there are applications to be processed.

(2) The meetings shall be held at such place and time and on such days as the Board determines.

(3) At every meeting of the Board, the Chairperson shall preside and in his or her absence the Deputy Chairperson shall preside, and where both are absent the members present may elect a member to preside at that meeting.

(4) The Chairman may, at any time, call a special meeting of the Board and shall also call such meeting within 7 days of the receipt of a request for that purpose addressed to him or her by any 3 other members.

(5) The quorum of the Board at any meeting shall be five.

(6) At any meeting for the conduct of its business, the Board shall take its decision by a majority vote of the members present and, in the event of a tie, the Chairperson, or in his or her absence the Deputy Chairperson shall have a casting vote in addition to his or her original vote.

(7) No act or proceeding of the Board shall be invalid by reason only of the existence of a vacancy among its members or of any defect in the appointment of a member.

(8) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(9) Subject to the provisions of this Act, the Board may make rules to regulate its own procedure generally, and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Seal of Board

14. (1) The Board shall have an official seal which is kept in the custody of the Secretary.

(2) The official seal of the Board shall be affixed in the presence of and signed by the Chairperson or the Deputy Chairperson.

(3) All documents other than those required by law to be under seal, which are executed by the Board and all decisions of the Board are to be signed by the Chairperson or any other member duly authorised in writing by the Chairperson to act on behalf of the Chairperson.

(4) A document purporting to be an instrument issued by the Board and to be sealed or signed on behalf of the Board in accordance with this section shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

Declaration of member's interest

15. (1) Where a matter is to be decided by the Board at a meeting, any member present at the meeting who has an interest in the matter shall, at the

meeting, disclose the nature of his or her interest in advance of any consideration of the matter.

(2) Where a member discloses an interest under this section

- (a) the disclosure shall be recorded in the minutes of the meeting; and
- (b) the member shall not, unless the Board otherwise determines
 - (i) be present during any deliberations by the Board on that matter;
 - (ii) take part in any decision or deliberation of the Board relating to the matter;
 - (iii) influence or seek to influence a decision relating to the matter; or
 - (iv) be regarded for the purpose of constituting a quorum of the Board.

(3) Where a member of the Board contravenes subsection (2)(b), the Cabinet may if it considers it appropriate to do so, remove that member from the Board in accordance with section 12(1)(f).

(4) A person who is removed from the Board under subsection (3) is disqualified from membership of the Board.

Immunity from suit

16. No action, suit, prosecution or other proceedings shall be brought against, a member of the Board or a person acting under the direction of the Board for any act or omission of the Board or anything done or permitted or any omission made in good faith, in the course of the operations of the Board or in the execution or intended execution of any function under this Act.

Service of Documents

17. (1) Service upon the Board of any notice, order or other document, shall be executed by delivering the same or by sending it by registered post addressed to the Secretary of the Board.

(2) Service upon the Board of any document, by electronic means, shall be supported by hard copy as soon as possible thereafter.

Remuneration of Board Members

18. A member of the Board who is not a public officer shall be paid such remuneration, if any, whether by way of honorarium, salary or fees, or such allowances as Cabinet may determine and the payments shall be made out of the Consolidated Fund.

Appointment of Ad Hoc Advisory Panels and Committees

19. (1) The Board may appoint an Ad Hoc Advisory Panel (hereinafter referred to as an "Advisory Panel") as may be necessary to assist specifically with the disposal of Crown Lands considering the cultural and historical nuances of particular islands within the Territory, in particular the following islands and areas

- (a) Anegda;
- (b) Salt Island;
- (c) North Sound; and
- (d) Cooper Island.

(2) Each Advisory Panel may consist of up to 7 members and shall be selected by the Board through an open and transparent process.

(3) For the purpose of this section the Board may invite relevant community groups on different islands to nominate a representative of an Advisory Panel and a person nominated shall be a person who appears to be suitable to represent the community on the Panel.

(4) The functions of an Advisory Panel shall include performing such consultative functions as may be provided for under this Act to address cultural and historical nuances in land disposal decisions.

(5) Each Advisory Panel shall

- (a) be assigned to carry out such functions as specified under subsection (5);
- (b) submit a formal report to the Board at the end of its assignment; and
- (c) be dissolved after each round of Crown Lands disposal are completed.

(6) The opinion of an Advisory Panel on any matter shall not be binding.

(7) An Advisory Panel appointed under this Act may meet at such times as may be necessary or expedient for the transaction of its business.

(8) Notwithstanding the appointment of Advisory panels under subsection (1), the Board may appoint such other committees as may be required to generally to advise or assist on matters relating to any of its functions, including a Review Committee which shall be responsible for

- (a) reviewing the Crown Lands Policy to assess its effectiveness, relevance and alignment with evolving priorities, goals and regulation;
- (b) assessing the Crown Lands policy impact on Crown Lands Management, environmental conservation, biodiversity protection, cultural heritage preservation, socio economic development and stakeholder engagement; and
- (c) submitting such reports summarising key findings, observations, conclusions and recommendations for policy refinement or amendments where required.

(9) On receipt of advice from any of its committees, the Board shall decide whether or not to adopt that advice, in whole or in part or with such modifications as the Board thinks fit.

(10) The Chairman of each committee appointed under this paragraph shall ensure that the committee prepares and submits to the Chairman of the Board a report of the functions delegated to the committee.

(11) For the purpose of this Act, the Board may co-opt other persons who are experts or who have expert knowledge to provide advice or assistance to a committee established under this section.

(12) A committee established under this section may include persons who are not members of the Board.

Annual Report

20. (1) The Chairperson of the Board shall prepare and submit to the Board on or before the 30th day of June in each year an annual report relating to the activities of the Board during the previous year.

(2) The Chairperson shall forward a copy of the annual report prepared pursuant to subsection (1), to the Minister for the consideration of the Cabinet.

(3) Within three months of receiving the report referred to in subsection (2), the Minister shall cause the report to be laid before the House of Assembly.

Expenses of the Board

21. Any cost or expense related to the work or functioning of the Board shall be paid out of the Consolidated Fund.

PART III

MINISTRY FOR CROWN LANDS AND CROWN LANDS UNIT

Ministry responsible for Crown Lands

22. (1) For the purposes of this Act the Ministry responsible for Crown Lands shall be responsible for publishing notices in the Gazette and at least two newspapers circulating in the Territory annually to advise the public of availability of Crown Lands for lease.

(2) Notices under subsection (1) shall include details such as

(a) particulars of the Crown lands available including

(i) lease price;

(ii) maximum repayment term; and

(iii) minimum monthly payments;

(b) use restrictions;

(c) eligibility criteria;

(d) application process; and

(e) deadlines for applications.

(3) Notwithstanding the responsibilities of the Ministry responsible for Crown Lands under subsection (1) the Ministry shall be generally responsible for the following matters

(a) allocating adequate and suitable Crown Lands for government administration and operations;

- (b) initiating a land acquisition program if adequate lands are not available;
- (c) determining lands to be held in reserve for future development needs, including climate change adaptation planning;
- (d) governing the use of Crown Lands through the development of a Land-Use Plan;
- (e) ensuring Crown Lands are effectively utilised for the public good;
- (f) identifying strategic land acquisitions to meet public needs;
- (g) seeking out appropriate lands for acquisition based on requirements; and
- (h) developing and updating the Land-Use Plan every 5 years.

Establishment of Crown Lands Unit

23. There is established a Crown Lands Unit (hereinafter referred to as “the Unit”) which shall be a unit under the Ministry responsible for Environment, Natural Resources and Climate change.

Chief Lands Officer and other staff of the Unit

24. (1) The Minister shall designate a fit and proper person to be the Chief Lands Officer of the Unit and such other staff of the Unit as are assigned for the efficient functioning, management and operation of the Unit.

(2) The Unit shall be comprised of persons of integrity who are qualified and have the necessary experience and capacity in matters relating to land and environmental development or other relevant areas.

Duties of the Chief Lands Officer

25. The Chief Lands Officer be the Administrative head of the Unit and responsible for the overall management of the Unit and shall

- (a) attend all meetings of the Unit;
- (b) provide the necessary leadership to the Unit;
- (c) keep the Minister, through the Permanent Secretary of the Ministry responsible for Crown Lands fully informed of the business of the Unit;
- (d) furnish the Minister, through the Permanent Secretary of the Ministry responsible for Crown Lands with all requested information as required; and
- (e) generally, be responsible for the internal organisation and administration of the Unit and do all things necessary or convenient to be done for or in connection with the performance of his or her duties.

Functions of the Unit

26. (1) The Unit shall be generally responsible for the monitoring, control, general administration and management of all matters relating to Crown Lands including

- (a) strategic planning for the use of Crown Lands;
- (b) monitoring uses of Crown Lands;
- (c) managing strategic Crown Lands acquisitions;
- (d) monitoring and reviewing existing lease agreements;
- (e) addressing matters of encroachment; and
- (f) re-parceling of Crown Lands.

(2) Notwithstanding the general functions of the Unit under subsection (1), the Unit shall be specifically responsible for

- (a) the following administrative functions:
 - (i) receiving and screening all applications for the disposal of Crown Lands to ensure applications are complete and eligibility criteria are met;
 - (ii) receiving and processing all applications for the lease of Crown Lands for commercial development, agricultural use or other uses in the public interest;
 - (iii) drafting all correspondence from the Board to applicants;
 - (iv) drafting all Cabinet papers in line with the recommendation(s) of the Board;
 - (v) ensuring that a valuation report is done, based on market value, for every parcel of Crown Land before disposal;
 - (vi) maintaining an electronic log of past valuations to ensure that an appropriate body of evidence is available to provide open market comparisons;
 - (vii) developing and maintaining a computerised Crown Lands Inventory for all islands, detailing the block and parcel number, location, acreage, planned use and value of all Crown Lands, available for search by the public and for disposed or leased land and the Inventory shall indicate the price paid by the awardee for the land or the lease price, and all other information necessary for full disclosure; and
 - (viii) ensuring that the Crown Lands Policy is updated every 7 years; and
- (b) the following management functions:
 - (i) ensuring that Social Impact Assessments and Hazard Vulnerability Assessments (HVAs) are done on Crown Lands, where deemed necessary;
 - (ii) in collaboration with the Town and Country Planning Department and other relevant Ministries and Departments,

developing and regularly updating the Land-Use Plan for Crown Lands;

- (iii) working closely with the Environment and Climate Change Unit of the Ministry and Agriculture and Fisheries Department to ensure that due care and attention are given to environmental, agricultural and fisheries matters in the development of the Crown Lands Use Plan;
- (iv) ensuring that an adequate Land Bank is maintained within the Crown's portfolio to accommodate future development and needs, including related to climate change adaptation;
- (v) in collaboration with the Town and Country Planning Department, identifying land acquisition needs and making recommendations to Cabinet for acquisition of lands in line with the Government's strategic objectives;
- (vi) ensuring subdivisions of Crown Lands adhere to the minimum lot size requirements, in collaboration with the Town and Country Planning Department and Land and Survey Department; and
- (vii) working with the Ministry of Communications and Works on way leave matters.

PART IV

APPLICATION PROCESS FOR GRANT AND DISPOSITION OF CROWN LANDS

Grant and disposition of Crown Lands for specific purposes

27. (1) The grant and disposition of Crown Lands shall be for the following purposes:

- (a) Residential use;
- (b) Agricultural use;
- (c) Commercial use; and
- (d) Seabed Development and Reclamation.

(2) Crown Lands may by sale, lease or otherwise be disposed in such manner to persons, for such purposes, at such rent and on such other terms and conditions as may be approved.

(3) For the purposes of this Act, Belongers and Non Belongers may be eligible to apply for the grant or disposition of Crown Lands.

(4) Non-Belongers applying for the sale, lease or other form of disposition of Crown Lands shall be bound by the requirements of the Non Belongers Land Holding Regulation Act, Cap. 122, any other relevant enactment and the Non Belonger Landholding Licence Policy.

Application for disposition of Crown Lands

28. (1) An application for the grant and disposition of Crown Lands by sale, lease or otherwise for the purposes mentioned in section 27 shall be made by a person,

- (a) in the appropriate form and in the manner as may be prescribed with the Unit and the information required in the form of application shall be fully and correctly stated;
- (b) accompanied by the relevant application fee or any other relevant fee as specified under the Schedule to this Act; and
- (c) accompanied by any other reasonable information or documents as may be required by the Unit.

(2) An application form shall be completed in English and any document submitted with the application shall be in English.

(3) An application shall be received and processed by the Unit, and the Unit may where required, request further information if necessary and may also make appropriate enquiries for the purpose of processing the application.

(4) An application for grant and disposition of Crown Lands shall

- (a) be considered based on its alignment with Crown Lands Use Plan, economic development policies and other relevant specifications; and
- (b) demonstrate how the proposed use or development of the Crown Land would contribute to economic development and socio-economic benefits for the Territory.

(5) Upon receipt of all requisite information for an application for grant or disposition of Crown Lands and where the Unit is satisfied that the application complies with the requirements of this Act and the relevant eligibility criteria, the Chief Lands Officer of the Unit shall prepare a full report of its findings in relation to the application and the applicant's suitability, for the Board.

(6) The report of findings prepared by the Unit and submitted to the Board shall include completed application forms, supporting documents, valuation reports and an analysis of Social Assessment and Hazard Vulnerability Assessment reports, where required.

(7) The Board shall review all applications, reports and findings as submitted by the Unit under subsection (5) and where necessary engage the advice of ad hoc panels or committees in order to finalise the review of the applications, reports and findings to make recommendations on such matters.

(8) The recommendations of the Board shall be forwarded to the Minister and Governor who shall both review and consider the recommendations before submission of same through the Minister to the Cabinet for due consideration and approval.

(9) Where Cabinet has an issue or concern in relation to any recommendation submitted by the Board through the Minister under subsection (8), the matter shall be returned to the Board and the Board shall revisit the matter and provide such responses and clarification to Cabinet as may be required, to enable Cabinet to make a decision in relation to the application.

(10) The Cabinet after due consideration of an application under this section shall either

- (a) approve the application;
- (b) approve the application with modifications or conditions;
- (c) defer the application until certain conditions are met; or
- (d) deny the application.

(11) A decision under subsection (10) shall be in writing and the reason for such decision shall be stated.

(12) The Unit shall, within 30 days of the Cabinet's decision, notify the applicant, in writing, of the decision made by Cabinet and the reasons for the decision in relation to the application.

(13) In the case of a sale or a lease of Crown Lands, where an application is approved, and an offer letter is sent to the applicant and the applicant fails to accept the offer within three months after receiving it, then the sale or lease becomes void and any offer will be automatically rescinded.

(14) Upon approval of the grant or disposition of Crown Lands by Cabinet and acceptance of the offer by the applicant the Governor may by signature in the relevant documentation or instrument, grant or dispose of Crown Lands for the uses under subsection (1) and every allocation of Crown Land shall be executed under the Public seal.

Eligibility and allocation of Crown Lands for residential purposes

29. (1) A person shall be eligible to apply for a grant or disposition of Crown Land for residential purposes if the person

- (a) is a Belonger or Virgin Islander;
- (b) is age 18 years or older; and
- (c) has not previously received an allocation of residential Crown Land;

(2) An applicant under subsection (1) in addition to the required information under section 28, shall submit such documentation showing proof of being a belonger or Virgin Islander, such as his or her passport, birth certificate or any other relevant documentation as may be required to illustrate that all other eligibility criteria are met.

(3) A lease, sale or any other form of disposition of Crown Lands approved for residential use of Crown Lands shall be subject to

- (a) such terms and conditions as may be prescribed to ensure that land is utilised for residential purposes; and
- (b) such other terms and conditions as may be seen as fit for the purpose of the lease or other form of disposition.

(4) The Unit shall develop a range of approaches and options for making land available for residential uses including providing sustainable housing under the First time Homeownership Programme which shall be established to provide affordable lands for Belongers, with subsidised prices.

(5) The establishment of criteria and procedures to ensure equitable access to Crown Lands through the First Time Homeownership programme shall be as prescribed in Regulations.

Allocation of Crown Lands for Commercial use

30. (1) Crown Lands suitable for commercial use or development shall only be made available on a leasehold arrangement at market rates and may be granted to companies or individuals.

(2) An applicant for Crown Lands for commercial use or development shall in addition to the relevant documents under section 28 be required to submit a detailed business plan.

(3) The term of lease for Crown Lands for commercial use or development shall be for a period no less than 55 years and no more than 99 years.

(4) A lease for commercial use or development of Crown Lands may be guided by the Crown Lands Policy, Marine Estate Administration Policy and the Non Belonger Land Holding Policy.

(5) A lease approved for commercial use of Crown Lands shall be subject to

- (a) such terms and conditions as may be prescribed to ensure that land is utilised for commercial use; and
- (b) such other terms and conditions as may be seen as fit for the purpose of the lease.

Allocation of Crown Lands for Agricultural use

31. (1) Crown Lands suitable for agricultural use shall only be made available on a leasehold arrangement.

(2) Registered farmers may apply for lease of Crown Lands designated for agricultural purposes.

(3) An applicant under subsection (2) shall in addition to the required information under section 28, be required to submit such documentation demonstrating proof of being a registered farmer.

(4) A lease for agricultural purposes may be for a period up to 5 years with the option to renew providing that the conditions for the use of the land are met.

(5) A lease for agricultural use of Crown Lands may be guided by the Crown Lands Policy, Marine Estate Administration Policy and the Non Belonger Land Holding Policy.

(6) A lease approved for agricultural purposes shall be subject to

- (a) such terms and conditions as may be prescribed to ensure that land is utilised for agricultural purposes; and
- (b) such other terms and conditions as may be seen as fit for the purpose of the lease.

Allocation of Crown Lands for Seabed Development and reclamation

32. (1) In determining whether to grant a lease to a person or company for Seabed development and reclamation the following factors shall be taken into account

- (a) whether the economic, social and climate resilience benefits outweigh the environmental and social impacts of the reclamation; and
- (b) whether there is no other viable option for the proposed development, including existing reclaimed land, resulting in requiring the further reclamation of the seabed.

(2) A person shall be eligible to apply for the grant of an interest or lease of Seabed development and reclamation where he or she can demonstrate

- (a) the financial capacity to complete the Seabed development and reclamation and to also execute the proposed development as part of the approval process; or
- (b) the direct and indirect benefits of the Seabed development and reclamation to the public interest including contributing to meeting the Territory's development objectives.

(3) Seabed development and reclamation shall only be carried out subject to full approvals for the proposed development by the Planning Authority and Building Authority.

(4) A lease approved for Seabed development and reclamation shall be subject to

- (a) such terms and conditions as may be prescribed to ensure that land is utilised for such purposes; and
- (b) such other terms and conditions as may be seen as fit for the purpose of the lease.

(5) All lands formed by seabed development and reclamation shall be deemed to be Crown Lands and the full legal and beneficial ownership shall vest in the Crown absolutely.

(6) All seabed development and reclamation under this section shall once approved, be at the expense of the developer.

Infrastructure Development

33. (1) The Ministry responsible for Crown Lands shall ensure that necessary action is taken in relation to providing proper road infrastructure for access to Crown Lands and installation of utilities are installed, before such lands are disposed.

(2) For the purposes of subsection (1), persons applying for the grant and disposition of Crown Lands shall be required to pay a development fee to offset the installation of utilities and for road infrastructure development.

Conditions of lease agreements and review of lease agreements

34. (1) A lease agreement for Crown Lands shall contain provisions for rent payments, use restriction, obligations of lessee, periodic review and assessment of lessee compliance.

(2) Lease terms, including duration and rental rates may be determined on a case by case basis.

Cancellation of disposition or Grant of Crown Land

35. (1) Where a person who holds a grant or disposition of Crown Land

- (a) defaults in payment of money due to the government; or
- (b) fails or neglects to observe or perform a condition, stipulation or term under any agreement,

the Unit may send a notice by registered mail, addressed to the person at the person's last known address, requiring the person to pay the money due or to comply with the condition, stipulation or term within 60 days after the notice is mailed.

(2) If the default, failure or neglect continues after the 60 day period, the Governor with the approval of Cabinet may cancel the grant or disposition.

(3) If the Governor cancels a grant or disposition under this section

- (a) the interest in the Crown Land of the holder of the grant or disposition and of all persons claiming through the holder is forfeited and at an end;
- (b) improvements to the land become government property; and
- (c) money previously paid for the grant or disposition shall be forfeited to the government.

PART V

APPLICATION FOR PERMITS

Application for Permits

36. (1) Notwithstanding the uses of Crown Lands under section 27, permits may be issued to persons for other specific activities on Crown Lands as may be approved.

(2) A person seeking a permit for a specific activity on Crown Lands under subsection (1) shall submit his or her application for a permit

- (a) in the appropriate form and in the manner as may be prescribed with the Unit and the information required in the form including details of the proposed activity or activities on the Crown Land, its proposed duration and any other information as may be required by the Unit fully and correctly stated; and
- (b) accompanied by the relevant application fee or any other relevant fee as specified under the Schedule to this Act;

- (3) An application for a permit shall be reviewed by the Unit to assess
- (a) its compatibility with the Crown Lands use plan, environmental regulations and other relevant policies; and
 - (b) consideration of matters such as potential impacts on the environment, public safety and community welfare.

(4) Upon receipt of all requisite information for an application for a permit under this section and where the Unit is satisfied that the application complies with the requirements of this Act, the Chief Lands Officer of the Unit shall prepare a full report of its findings in relation to the application and the applicant's suitability, for the Board.

(5) The Board shall review all applications, reports and findings as submitted by the Unit under subsection (4) and where necessary engage the advice of ad hoc panels or committees in order to finalise the review of the applications, reports and findings to make recommendations on such matters..

(6) The recommendations of the Board shall be forwarded to the Minister and Governor who shall both review and consider the recommendations before submission of same through the Minister to the Cabinet for due consideration and approval.

(7) Where Cabinet has an issue or concern in relation any recommendation submitted by the Board through the Minister under subsection (6), the matter shall be returned to the Board and the Board shall revisit the matter and provide such responses and clarification to Cabinet as may be required, to enable Cabinet to make a decision in relation to the application.

(8) The Cabinet after due consideration of an application for a permit shall either

- (a) approve the application;
- (b) approve the application with modifications or conditions;
- (c) defer the application until certain conditions are met; or
- (d) deny the application.

(9) A decision under subsection (8) shall be in writing and the reason for such decision shall be stated.

(10) The Unit shall, within 30 days of the Cabinet's decision notify the applicant, in writing, of the decision made and the reasons for the decision in relation to the application for a permit.

(11) Upon approval of an application for a permit by Cabinet and acceptance of the offer by the applicant, the Governor may by signature issue such permit to the applicant for the use of the Crown Land to carry out the specific activity or activities and every permit shall be executed under the Public seal.

(12) Where an application is approved for a permit, and an offer letter is sent to the applicant and the applicant fails to accept the offer within three months after receiving it, then the offer will be automatically rescinded.

(13) A permit issued under this Act shall be subject to such terms and conditions as may be specified in order to minimise public disturbance on or to

protect Crown Lands and a permit holder shall be responsible for complying with the terms and conditions as outlined in the permit.

PART VI

COMPLIANCE AND ENFORCEMENT

Review of leases, permits and addressing encroachment

- 37.** The Crown Lands Unit shall be generally responsible for
- (a) reviewing all existing lease agreements to ensure lessees fulfil their obligations and use land for the approved purposes;
 - (b) reviewing permits and ensuring permit holders are fulfilling their obligations in accordance with the conditions of the permit; and
 - (c) generally addressing matters of encroachment.

Inspections

38. (1) The Minister may appoint members of staff of the Crown Lands Unit to act as authorised inspectors for the purposes of this Act.

(2) An authorised inspector may conduct regular investigations and inspections and make such inquiries and examinations as may be required to

- (a) verify compliance with lease and permit terms and conditions, land use regulations and environmental standards;
- (b) assess land use, development activities and environmental impact mitigation measures; and
- (c) ascertain whether the provisions of this Act or regulations made under this Act are being complied with.

(3) Members of the public may report potential violations or concerns regarding Crown Lands use and such measures and action as may be required may be taken by the Crown Lands Unit through authorised inspectors to address such noncompliance.

(4) In the course of exercising the functions of an authorised inspector, the inspector shall if requested to do so by any person who is subject to the exercise of the function produce his or her identification card to the person.

Enforcement notices

39. (1) An authorised inspector may enter properties to carry out his or her functions under section 38(2) of this Act.

(2) This section does not empower an authorised inspector to enter any part of a property without the permission of the occupier.

(3) Where the permission of an occupier is not granted under subsection (2), a search warrant may be obtained from the Court.

(4) Where it appears to an authorised inspector that there is a contravention of this Act or breach of any lease agreement or permit or in any

other case, if considered expedient to do so, an enforcement notice may be served on the person requiring the breach to be remedied.

(5) An enforcement notice shall be in such form as may be prescribed by regulations and shall be served on the owner or occupier of the Crown Land to which it relates and shall specify

- (a) the matters alleged to constitute a violation or breach;
- (b) the person or persons on whom it is served on;
- (c) the steps or corrective actions to be taken in order to remedy the violation or breach;
- (d) the period and deadline for compliance with the enforcement notice; and
- (e) the powers of an authorised inspector, in case of default in compliance with the notice, to enter upon the land and take relevant steps; and
- (f) the opportunities which are available to the person or persons on whom the copy of the enforcement notice is served to appeal the notice.

(6) For the purposes of this section the Unit shall ensure that there is collaboration with relevant law enforcement agencies such as the Royal Virgin Islands Police Force to ensure compliance with enforcement notices and to prevent unauthorised activities.

Failure to comply with enforcement notices

40. (1) Where a person served with an enforcement notice fails to comply with such notice

(a) such person shall be required to pay within 30 days an administrative penalty of \$5,000 and where there is refusal to pay the administrative penalty within the time specified, the person shall be proceeded against in court for the commission of such offence; and

(b) the Ministry responsible for Crown Lands in collaboration with the Waste Management Department, where necessary, shall take such steps as may be necessary, including the removal, demolition or alteration of any illegal structures and the removal, impounding and destruction of any abandoned or unclaimed vehicle, building material or other property left unattended for an extended period of 5 days or more.

(2) In addition to the payment of an administrative penalty under subsection (1)(a), any action taken under subsection (1)(b) shall be at the expense of the owner or occupier of the property, and the owner or occupier shall be required to make payment for such costs and expenses incurred as a result of the action taken.

(3) Where a person is proceeded against in court for the refusal to pay an administrative penalty under subsection (1) (a) the court penalty shall be on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year.

PART VII
APPEALS PROCESS

Establishment of Tribunal

41. There is established for the purposes of hearing appeals of persons aggrieved from any decision made pursuant to this Act, a Crown Land Appeals Tribunal (in this Act referred to as “the Tribunal”).

Constitution and Procedure of Tribunal

42. (1) The Tribunal shall be appointed by the Cabinet and shall consist of a Chairperson and two other persons sitting together.

(2) A member of the Tribunal shall hold office for a period not exceeding 3 years and is eligible for re-appointment.

(3) Cabinet may appoint another person to act temporarily in the place of a member of the Tribunal, where the member is unable to act, whether by reason of illness or temporarily absent from the Territory or some other sufficient cause.

(4) The Chairperson may at any time resign his or her office by notice in writing addressed to the Cabinet and such resignation becomes effective upon receipt by the Cabinet.

(5) A member of the Tribunal, other than the Chairperson, may at any time resign from the Tribunal by notice in writing addressed to the Cabinet and transmitted through the Chairperson and such resignation becomes effective upon receipt by the Cabinet unless otherwise specified to take effect on another date.

(6) If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member who shall, hold office for the remainder of the period for which the previous member was appointed.

(7) The names of all members of the Tribunal as first constituted and every change in membership of the Tribunal shall be published in the *Gazette*.

(8) The members of the Tribunal shall be paid such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine from the funds of the Board.

(9) The decisions of the Tribunal shall be by a majority of votes of the members present and voting and in the event of a tie the Chairperson or in his or her absence, the member presiding at a meeting shall have a casting vote.

(10) Subject to the provisions of this Act, the Tribunal may regulate its proceedings.

(11) Proper record of all proceedings of the Tribunal shall be kept by the Tribunal.

Protection of members of the Tribunal

43. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Tribunal in respect of an act done in good faith in pursuance or execution or intended execution of the provisions of this Act.

Declaration of interest of members of the Tribunal

44. It shall be the duty of a member of the Tribunal who is in any way directly or indirectly interested in a matter coming before the Tribunal to declare the nature of his interest in the matter as soon as it is practicable for him or her to do so, and he or she shall remove himself or herself from any meeting of the Tribunal on that matter, and take no part directly or indirectly in any decision, deliberation, discussion, consideration or similar activity of the Tribunal on that matter.

Appeal to Tribunal

45. (1) A person aggrieved by a decision made under this Act may, within 30 days of receiving written notice of the decision, file a notice of appeal to the Tribunal in the manner prescribed.

(2) A notice of appeal under subsection (1), shall be in writing addressed to the Tribunal setting out the decision appealed against, the name of the appellant, grounds of the appeal amongst other matters, and it shall be in such form as the Tribunal may determine.

(3) An appeal shall not operate to stay any decision made under this Act.

(4) When the Tribunal receives a notice of appeal, it may issue such directions as it considers reasonable for the purpose of facilitating the hearing and disposal of the appeal.

(5) The Tribunal shall proceed to hear the appeal on such date and time as the Tribunal may determine.

(6) For the purposes of this part, the Tribunal may

- (a) summon and enforce the attendance of witnesses;
- (b) order the discovery and production of any document or other object producible as evidence;
- (c) call and examine witnesses; and
- (d) require documents to be verified by affidavit.

(7) In any proceedings, any paper, book, record or other document produced to the Tribunal pursuant to this section, shall be received as *prima facie* evidence of the truth of the statement contained therein.

Decision of the Tribunal

46. (1) The Tribunal may after hearing an appeal

- (a) affirm the decision appealed against;
- (b) dismiss the decision appealed against;

- (c) vary the decision appealed against; or
- (d) set aside the decision appealed against and remit the matter concerned for reconsideration by the Board in accordance with such direction as the Tribunal may consider fit.

(2) A decision under subsection (1) may be in writing and the reason for such decision shall be stated.

(3) The Tribunal shall provide copies of the Tribunal's decision to all the parties to the appeal at no cost.

(4) A decision of the Tribunal may be appealed against to the High Court only on a question of jurisdiction or law.

Adjournment

47. The Tribunal may of its own motion, or upon the application of either party, adjourn the hearing of a matter upon such terms as to the Tribunal may appear just.

Failure to comply with order of the Tribunal

48. Any person who fails to comply with an order of the Tribunal commits an offence and is liable, on summary conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

PART VIII

MISCELLANEOUS PROVISIONS

Offences by a body corporate

49. Where an offence under this Act is committed by a body corporate, and is proved to have been committed with the consent or connivance of, or be attributable to neglect on the part of, any director, manager, secretary or other similar officer of that body corporate, or a person purporting to act in that capacity, the person as well as the body corporate each commits the offence and are liable to be proceeded against and punished accordingly.

False or misleading evidence

50. A person who
- (a) appears as a witness before the Tribunal and gives evidence that, to his or her knowledge, is false or misleading; or
 - (b) wilfully makes any false statement to mislead or misleads or attempts to mislead any person in the execution of his or her duties or functions under this Act,

commits an offence and is liable, on summary conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or, to both.

Offences

51. A person commits an offence if the person does any of the following:

- (a) occupies or possesses Crown land without lawful authority;
- (b) uses Crown land without lawful authority;
- (c) being the holder of a lease, permit or other disposition issued under this Act, uses Crown Land for a purpose not provided for in the disposition;
- (d) is guilty of an act or default by which a lease, permit or other form of disposition issued under this Act may be terminated;
- (e) obstructs, hinders or resists any person including an authorised inspector in the execution of his or her functions under this Act; or
- (f) fails to comply with any lawful requirement under this Act,

commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years, or to both such fine and imprisonment.

Fees

52. The fees specified in the Schedule to this Act shall be payable in respect of the matters referred to in the Schedule and such fees shall be paid into the Consolidated Fund.

Amendment of Schedules

53. The Minister may amend the Schedule to this Act by Order published in the *Gazette*.

Regulations

54. (1) The Minister may, with the approval of the Cabinet, make regulations not inconsistent with this Act for carrying into effect the provisions of this Act.

(2) Without limiting the generality of subsection (1), the Minister may make regulations in respect of the following matters:

- (a) prescribing generally the forms to be used for any purpose under this Act including the form of any application, notice, certificate and any other document required for the purposes of this Act and the manner for making such application;
- (b) prescribing a breakdown of the assessment of initial rents and rent review periods for Crown Lands for commercial and agricultural purposes;
- (c) prescribing the types of activities that may be approved for the purpose of permits under this Act;
- (d) prescribing the conditions as shall be attached to any lease, permit or other form of disposition, such as lease renewal either generally or specially;
- (e) providing for the details for the imposition of administrative penalties on any person that contravenes a provision of this Act; and

(f) prescribing anything that is required to be prescribed by this Act.

OBJECTS AND REASONS

This Bill provides for the Administration, Management, Regulation, control and disposition of Crown Lands and all other matters related thereto.

Part I of the Bill contains clauses 1-4 which are preliminary provisions.

Clause 1 provides the short title and commencement provisions and clause 2 sets out the definitions of various terms used in the legislation.

Clause 3 provides for the objects of the Act and clause 4 provides for application of the Act and prior approval of Cabinet in relation to grant or disposition of Crown Lands.

Part II of the Bill would provide for the Establishment of the Crown Lands Management Board and contains clauses 5-25.

Clause 5 provides for the Establishment of the Board and provides for the Minister to give to the Authority such directions not inconsistent with the Act.

Clause 6 provides for the Membership of the Board which shall comprise of not more than 11 persons.

Clause 7 provides for the appointment of Chairperson and Deputy Chairperson of the Board and clauses 8 and 9 respectively provides for the tenure and resignation of members of the Board.

Clauses 10 and 11 provides for Revocation of appointments of members of the Board and circumstances where the office of members of the Board become vacant.

Clause 12 provides for the Publication of members of the Board as first constituted and with every change in membership. Clause 13 provides for the Proceedings of the Board outlining details of meetings, quorum and rules of the Board.

Clause 14 provides for the Seal of the Board and clause 15 provides for instances where members of the Board are to declare their interest in matters before the Board.

Clauses 16, 17 and 18 provides respectively for the Immunity from suit for members of the Board once acts are done in good faith, service of documents and remuneration of Board Members, co-opted or committee members.

Clause 19 provides for the appointment of Ad Hoc Advisory Panels and Committees for the purposes providing advice on policy and decisions relating to crown lands.

Clauses 20 and 21 provides for the Board's Annual report and the expenses of the Board.

Part III of the Bill provides for the Ministry for Crown Lands and the Crown Lands unit.

Clause 22 provides for the function of the ministry of crown lands to specifically publish notices to advise the public of availability of Crown Lands and specific details in relation to same.

Clause 23 provides for the establishment of the Crown Lands unit which shall be a unit within the Ministry for Environment, Natural Resources and Climate Change.

Clause 24 provides for the designation of the Chief Lands Officer of the unit who shall be responsible administrative head of the unit and such other staff as may be required.

Clause 25 provides for the duties of the Chief Lands Officer which shall include amongst other matters attending all meetings of the unit, furnishing the Minister with information as required through the Board of the Authority.

Clause 26 provides for the functions of the unit which include general functions, administrative and management functions.

Part IV of the Bill provides for the Application process for grant and disposition of crown lands and contains clauses 27-35.

Clause 27 provides for the grant and disposition of crown lands by leasehold agreement or other means for purposes such as residential uses, agricultural uses, commercial use and Seabed development and reclamation.

Clause 28 provides for the application process for the grant or disposition for crown lands for the purposes under clause 27. The process includes application to the crown lands unit in such form accompanied with the requisite fee and other relevant information. Thereafter the application upon review by the Unit once all criteria is met would be forwarded to the Authority for its recommendation which would then be submitted to the Minister and Governor for review and thereafter onward submission to Cabinet for approval. Ultimately, once approved the Governor shall by his signature grant or dispose of the Crown Land.

Clause 29 provides for eligibility and allocation of crown lands for residential purposes.

Clauses 30, 31 and 32 provides respectively for allocation of crown lands for commercial use and agricultural use and seabed development and reclamation and outlines the conditions to be met for such uses of crown lands.

Clause 33 provides for infrastructure development wherein action shall be taken by the Ministry to ensure that proper road is developed for access to crown lands at the expense of the applicant.

Clauses 34 and 35 provides for conditions of lease agreement and review of lease agreements and the cancellation of disposition and grant of crown lands where persons defaults in making payment of monies due to government or fails to observe or perform conditions.

Part V provides for Application for permits and contains clause 36 which outlines the process for applicants applying for permits to undertake specific activities on Crown Lands.

Part VI provides for compliance and enforcement and contains clauses 37-40.

Clause 37 provides for the functions of the Unit to review lease agreements to ensure lessees fulfil their obligations and addressing matters of encroachment.

Clause 38 provides for inspections and the appointment of authorised inspectors for the purpose of ensuring generally that provisions of the Act or any regulations are being complied with.

Clause 39 provides for the issuing of enforcement notices where there is contravention of provisions of Act. The enforcement notice shall outline specific details such as the matters alleged to constitute violation, the steps or corrective actions to be taken and the period for compliance etc.

Clause 40 provides for the actions to be taken when there is failure to comply with enforcement notices.

Part VII provides for Appeals process and contains clauses 41-48 which provides for the Establishment of the Appeals Tribunal to hear appeals from any decision made under the Act, constitution and procedure of the Tribunal, Protection of Members, Appeal to Tribunal and Decision of tribunal. Clause 47 and 48 provides for Adjournment of hearings of the Tribunal and a penalty for the failure of persons to comply with the order of the Tribunal

Part VII provides for Miscellaneous provisions and contains clauses 49- 54 which provides for offences by a body corporate, the offence and penalty for false or misleading evidence and the penalties for other offences.

Clauses 52, 53 and 54 provides for Fees, the Amendment of Schedules under the Act by the Minister by Order and the making of Regulations for carrying into effect the provisions of the Act.

The Schedule to the Act provides for the relevant fees under the Act.

Minister of Environment, Natural Resources and Climate Change.