

VIRGIN ISLANDS CROWN LAND POLICY
Promoting Sustainable Management and Administration of Crown Land

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VIRGIN ISLANDS CROWN LANDS POLICY

Promoting Sustainable Management and Administration of Crown Land

Policy Scope

In the Virgin Islands, as in other Overseas Territories, a comprehensive and inclusive approach to managing Crown Land is relevant; this is because of very intense competition for this limited resource. This Policy governs the administration, management, development and use of all Crown Land for all current purposes, and focuses on strengthening the transparent administration and management of Crown Lands, including disposal of the same. This Policy does not address matters concerning private lands. In addition, this policy does not address Wickham's Cay lands.

Terms Used in This Policy

Crown Land refers to land owned and managed by the Government of the Virgin Islands.

Land includes land covered with water, all things growing on land and buildings and other things permanently affixed to land¹ or means any corporeal hereditament including a building and other things permanently affixed to land and includes the foreshore, seabed and land covered by water within the boundaries of the territorial waters of the Territory².

Land administration is the process of determining, recording and disseminating information about the tenure, value and use of land, and facilitating the legal transfer of **land as an asset**.

Land management is the practices (legal, policy, institutional) and process for **managing** the use and development (in both urban and rural settings) of **land** resources to support social, economic and environmental goals and can be unsustainable leading to the depletion and degradation of land resources.

Sustainable land management refers to practices, processes and technologies that aim to integrate the **management of land**, water, biodiversity, and other environmental resources to meet human needs while ensuring the long-term sustainability and resilience of ecosystem services and livelihoods, including from threats due to climate change.

Virgin Islander/Belonger per the Constitution, a person is considered to be of or 'belong' to the Virgin Islands if that person—

(a) is born in the Virgin Islands and at the time of the birth his or her father or mother is or was—

¹ Land Registered Act, 1991, Chapter 229, Section 2

² Virgin Islands Physical Planning Act, 2004, Section 2

- (i) a British Overseas Territories Citizen (or a British Dependent Territories citizen) by virtue of birth, registration or naturalisation in the Virgin Islands or by virtue of descent from a father or mother who was born in the Virgin Islands; or
 - (ii) settled in the Virgin Islands; and for this purpose “settled” means ordinarily resident in the Virgin Islands without being subject under the law in force in the Virgin Islands to any restriction on the period for which he or she may remain, but does not include persons on contract with the Government of the Virgin Islands or any statutory body or Crown corporation;
- (b) is born in the Virgin Islands of a father or mother who belongs to the Virgin Islands by birth or descent or who, if deceased, would, if alive, so belong to the Virgin Islands;
- (c) is a child adopted in the Virgin Islands by a person who belongs to the Virgin Islands by birth or descent;
- (d) is born outside the Virgin Islands of a father or mother who is a British Overseas Territories Citizen by virtue of birth in the Virgin Islands or descent from a father or mother who was born in the Virgin Islands or who belongs to the Virgin Islands by virtue of birth in the Virgin Islands or descent from a father or mother who was born in the Virgin Islands;
- (e) is a British Overseas Territories Citizen by virtue of registration in the Virgin Islands;
- (f) is a person to whom a certificate has been granted under section 16 of the Immigration and Passport Act 1977 of the Virgin Islands (in this subsection referred to as “the Act”, and references to the Act or to any section thereof include references to any enactment amending, replacing or re-enacting the same) and has not been revoked under section 17 of the Act; and (without prejudice to the right of any person to apply for the grant of such a certificate under the Act) a British Overseas Territories Citizen by virtue of naturalisation in the Virgin Islands has a right by virtue of this Constitution to apply for the grant of such a certificate;
- (g) is the spouse of a person who belongs to the Virgin Islands and has been granted a certificate under section 16 of the Act; or
- (h) was immediately before the commencement of this Constitution deemed to belong to the Virgin Islands by virtue of the Virgin Islands (Constitution) Order 1976.

Vision

To be the regional leader in sustainable Crown Land management for the social, economic and environmental benefit of present and future generations.

Mission

To establish and implement an enabling framework (administrative, policy, regulatory and ultimately, legislative) for the sustainable management and development of the Territory's Crown Lands that:

1. Takes account of all relevant social, economic and environmental factors to ensure the interests of the people of the Territory;
2. Promotes and advances efficient, equitable and balanced national development, implementation of the National Sustainable Development Plan and attainment of the Sustainable Development Goals through strategic use of Crown Lands;
3. Ensures that the natural environment is protected for the benefit of present and future generations in the use and development of Crown Lands;
4. Conserves biodiversity and ecosystem integrity in the development of Crown Lands, particularly with regards to reclamations, docks, jetties, barge ramps, and other seabed development;
5. Maintains and strengthens the Territory's unique culture of strong affinity to land; and
6. Builds and maintains resilience to climate change.

Guiding Principles

The guiding principles upon which this Crown Land Policy rests, irrespective of the continuously changing circumstances, are as follows:

1. Crown Land is to be strategically utilized to facilitate the administration and operations of Government and to achieve agreed development objectives, including ensuring delivery of critical public infrastructure, community facilities and social services; development of agriculture and fisheries; environmental protection; adaptation to climate change; reduction of disaster risk; and supporting affordable land and housing programmes for Virgin Islanders/Belongers;
2. Crown Land is, at all times, to be used for the public good. As such, private leasing of Crown Land, including the seabed, must be for purposes that contribute to established development objectives or those in the public interest. Disposal of Crown Lands must be for the purposes of executing established Government programmes to facilitate affordable land and home ownership by Virgin Islanders/Belongers or to achieve other policy objectives that serve the public interest;
3. The natural resources of the Virgin Islands are the common heritage of all citizens, and it is their Constitutional right that such resources are responsibly managed and protected and used in a sustainable manner for the benefit of present and future generations; and
4. The duty to manage natural resources for the benefit of present and future generations is the responsibility of Government, working in collaboration with all segments of society.

Key Objectives

The key objectives of this Crown Lands Policy are to:

1. Establish the framework for the sustainable administration, management, development and use of the Territory's Crown Lands, to support the socio-economic development and environmental protection initiatives of the Territory;
2. Define the framework (administrative and legislative) to support the sustainable management and development of the Territory's Crown Lands for the benefit of present and future generations;
3. Establish an administrative and legislative framework that will:
 - (a) Effectively record and disseminate information about the value and use of Crown Lands; and
 - (b) Facilitate the transfer or lease of Crown Land to meet development objectives.

Strategic Objectives

The strategic objectives of this Crown Lands Policy are to:

1. Ensure adequate and suitable Crown Lands for use by Government for its administration, operations and achievement of agreed development objectives, as outlined under the Guiding Principles, in order to meet the needs of the public.
2. Facilitate, if strategic, lease of Crown Lands to private parties to achieve development objectives.
3. Facilitate disposal of Crown Lands, if available, to eligible Virgin Islanders/Belongers without the means to otherwise acquire lands to facilitate affordable land and home ownership.
4. Pro-actively manage Crown Lands development, especially in the marine space, to conserve biodiversity, reduce pollution from terrestrial and marine-based sources while supporting sustainable social and economic opportunities.
5. Strategically 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.

Contextual Background

This Crown Lands Policy is grounded in the Commission of Inquiry Recommendation B30, which calls for:

- (1) the establishment of an independent body to consider application for the disposal of Crown Land;
- (2) the involvement of local communities in an advisory capacity;
- (3) criteria for the disposal of Crown Lands; and
- (4) whether there should be any executive discretionary powers in relation to Crown Lands

disposal.

This Crown Lands Policy is also grounded in the Independent Reviewer's (David Abednego) Report which suggested nine (9) recommendations, including:

- (1) National Estate Committee - creation of a central authority;
- (2) Technical Support - all the technical agencies remain under the Ministry responsible for Crown Lands;
- (3) Crown Lands Authority - a central authority be established for disposal of Crown Lands;
- (4) Crown Lands Advisory Committee - a committee be established to advise Government on best uses of available Crown Lands;
- (5) Criteria and Application Process - documented criteria for the disposal of Crown Lands;
- (6) Crown Asset (register) - create a land register indicating the available Crown Lands;
- (7) Valuation of Crown Lands - establish a fair valuation of Crown Lands for disposal;
- (8) Discretionary Powers - Cabinet should follow established procedures and guidelines; and
- (9) Crown Lands Management Act - create legislation for the disposal of Crown Lands.

This Crown Lands Policy is also referenced the Internal Auditor's Report that was done in collaboration with the office of the Auditor General in accordance with Commission of Inquiry Recommendation B31. This report focused on the transparency of the process as well as ensuring that Crown Lands are properly valued before disposal.

The Virgin Islands Constitution Order, 2007 highlights the importance of land as a resource to the Virgin Islander/Belonger; it recognizes that:

“the people of the Virgin Islands have a free and independent spirit, and have developed themselves and their country based on qualities of honesty, integrity, mutual respect, self-reliance and the ownership of the land engendering a strong sense of belonging to and kinship with those Islands”

Additionally, Section 29 of the Virgin Islands Constitution Order, 2007, concerning the fundamental rights and freedoms of the individual, provides as follows in respect to Protection of the Environment:

“Every person has the right to an environment that is generally not harmful to his or her health or well-being and to have the environment protected, for the benefit of present and future generations, through such laws as may be enacted by the Legislature including laws to-

- 1. Prevent pollution and ecological degradation;*
- 2. Promote conservation; and*
- 3. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”*

The Territory's development over the years has not adopted a holistic approach and has treated the natural resources as mere economic assets. This Crown Lands Policy addresses the management of Crown Lands comprehensively and links it to the wider environmental legislative framework that respects and balances both the preservation and the economic value of the natural resources.

The Organization of Eastern Caribbean States (OECS) region has achieved significant progress in many areas of environmental management; most notably among these is the precedent-setting *St. George's Declaration of Principles for Environmental Sustainability in the OECS* (The Declaration), adopted through signature by Member States in April of 2001. Previous policy work informed the Declaration, including the 1992 *Rio Declaration on the Environment and Development*, and the *United Nations Programme of Action on the Sustainable Development of Small Island Developing States*.

The *Barbados Program of Action* and the *St. George's Declaration of Principles for Environmental Sustainability* both recognized that efficient and effective management of natural resources is essential to sustainable development, and both recognized the need for an integrated approach to managing natural resources. The *Revised Treaty of Basseterre* provides that each OECS Protocol Member State shall implement the *St. George's Declaration of Principles for Environmental Sustainability* to minimize environmental vulnerability, improve environmental management and protect the region's natural resource base for optimal social and economic benefits for Member States.

Historical Background

Since its early settlement and development in the 1700s, all lands and property in the Virgin Islands were the subject of Crown grants to facilitate the planter class. Only a small portion of property in Road Town, most likely the location of the prison, was initially registered as public land. In 1831, through a grant from the imperial government, 110 acres of land was purchased to create the Kingstown Village to settle the Liberated Africans, who were eventually given the property.

As the Plantation Era ended and economic decline ensued, ownership of property across the colony quickly changed hands. This was facilitated, largely, by the 1859 Land Tax Ordinance, which allowed the Government to seize and auction property in default of taxes. At the close of an auction, which lasted from 10am to 3pm on the day assigned, if a member of the public did not purchase the land, it was transferred to the Crown. Thus, a new listing of Crown Lands in the Virgin Islands was created on 15 October 1864 with the acquisition of the Macnamara Estate comprising 92 acres of land.

By 1962, there was a total of 15,121 acres of land registered to the Crown in the Virgin Islands, inclusive of entire islands and cays: Anegada, Salt Islands, St. Eustatia, Prickly Pear and Saba Rock. While inhabitants used Anegada and Salt Island, rent free, other Cays listed above were leased in 1959 for a period of ninety-nine years to enhance tourism development in the colony.

Lands acquired by the Government via Bona Vacantia

1. Virgin Gorda - The Bond, Great Hill, Copper Mine;
2. Jost Van Dyke - Brown Ghut and other areas; and
3. Little Jost Van Dyke - eastern half of the island

Lower Estate

This property was initially purchased by the Government in 1901 for the development of an Agricultural Experimental Station. With the relocation of the facility to Paraquita Bay, house lots were made available in 1961 to individuals, to expand the housing stock around Road Town.

Nottingham Estate

In 1971, this estate comprising of 83.5 acres was vested in the Crown for distributing titles to the inhabitants whose ancestors were given the land in 1778.

Wickham's Cay Development

Leasehold interest in Wickham's Cay (70 acres) was purchased by the Government in 1971 and made available to the public for development.

Anegada Lands

The Renwick Report of 1988 establishes the framework for the review of the institutional and governance arrangements regarding the management and disposal of lands on Anegada.

Government's First-Time Homeowner Policy

In the 1990s, the Government pursued a policy focused on purchasing large tracks of land and making house lots available to individuals who did not own property.

1. Green Land 41.7 acres purchased in 1993
2. Nibbs Estate 94 acres purchased in 1998
3. Spooner's Estate purchased in 2003

Key Issues Addressed in this Policy

The key issues addressed in this Policy are as follows:

Sustainability

Sustainable Crown Lands management is concerned with the management of this natural resource from an environmental, social, and economic perspective. The natural resources of The Virgin Islands are the basis for sustaining the livelihoods of its people; therefore, their protection is vital. While protecting the natural resources, the Territory must ensure that sufficient land is set aside for agriculture, economic development and infrastructural development. Balancing these competing demands on fragile and limited natural resources requires the establishment of a comprehensive legal and administrative framework for their sustainable management.

This Policy supports the concept of sustainability in Crown Lands management through the requirement for a comprehensive Crown Lands Use Plan informed by the National Sustainable Development Plan, National Physical Development Plan, relevant economic development policies, agricultural development policies as well as Environmental Assessments and Hazard Vulnerability Assessments (HVA) of Crown Lands.

Land Affordability

The small size of the Territory and steep topography that is characteristic of most of the inhabited islands means that limited land is available for residential and commercial development. This

scarcity of land and the increasingly unaffordable price point for the average Virgin Islander/Belonger are creating social inequity resulting in the Government's decision to purchase land and embark on a "*First-Time Home Ownership Programme*".

This Policy seeks to ensure transparency, fairness and equality in facilitating affordable land and homeownership by Virgin Islanders/Belongers.

Suitability of Lands for Development

The land development patterns in the Territory continue to cause environmental and social challenges, these are:

1. Residential development on steep slopes with its attendant issues such as poor access, high costs of construction and soil instability.
2. Commercial development, especially in the coastal regions, that result in loss of mangroves, seagrass, corals and other marine life due to reclamations.

A reversal in these patterns of development is necessary to prevent the irreversible change in the environment that will no longer support the unique social, cultural and economic development that constitutes The Virgin Islands.

The Planning Authority prohibits lot sizes smaller than $\frac{1}{4}$ of an acre on hillsides as this creates further challenges for development planning. This Crown Lands Policy will ensure that Crown Lands allocated for development meets the $\frac{1}{4}$ -acre minimum lot size. This Crown Lands Policy also recognizes that some parcels of Crown Land may not be suitable for development due to environmental sensitivity or concerns related to natural hazards including, *inter alia*, landslides, flooding, storm surge, sea level rise and the potential impacts from tsunamis. Such parcels shall be identified in the Crown Lands Use Plan and not be used for development. Decisions related to the use, leasing and disposal of Crown Lands will rely heavily on the results of Environmental Assessments and Hazard Vulnerability Assessments (HVA) of Crown Lands, including sea level rise and storm surge modelling in low-lying coastal zones.

Crown Lands Management

As a priority, the Government will ensure the allocation of adequate and suitable Crown Lands to facilitate the administration and operations of Government and achieve agreed development objectives as outlined under the Guiding Principles. In circumstances where the Government does not have adequate land to meet these needs, a land acquisition programme will ensue to acquire the needed lands. All Crown Lands not immediately in use will be the subject of a Crown Lands Bank managed by the Crown Lands Unit in the Ministry responsible for Crown Lands.

The Ministry and the Town and Country Planning Department (TCP), in collaboration with other relevant ministries and departments, will be responsible for the development of a Land-Use Plan for Crown Lands updated on a 5-year cycle. The Plan will comprehensively and strategically govern the use of all future acquisition of Crown Lands to ensure that they are effectively utilized for the public good, in keeping with the guiding principles and strategic objectives of this Policy. The Plan

will also identify requirements for strategic land acquisitions to meet public needs. The Crown Lands Unit of the Ministry will seek out appropriate lands for acquisition based on these requirements and make recommendation to Cabinet for acquisition of the same.

After due consideration is given to the Government's immediate needs for Crown Lands, the Crown Lands Use Plan should determine lands to be held in reserve for future development needs, including to facilitate long-range climate change adaptation planning. The Plan may also identify Crown Lands to be made available for lease, where strategic, or to be disposed of to support affordable land and homeownership by Virgin Islanders/Belongers. The following are examples, though not exhaustive, for which the Government may need to reserve Crown Lands:

1. Schools
2. Food Security (Agriculture and Fisheries)
3. Utilities
4. Roads and drainage
5. Health Facilities
6. Government Office Buildings
7. Community Centers
8. Recreational Facilities
9. Green Space
10. Environmental protection and restoration
11. Relocation and migration to adapt to climate change

First-Time Homeownership Programme

The First-Time Homeownership Programme seeks to provide affordable lands for Virgin Islanders/Belongers who do not already own land to facilitate homeownership. To effect this programme, Government has made house lots available for purchase at a considerably subsidized price which, in most cases, is about 50% of the market rate. While this programme has worked well, for the most part, it has been fraught with issues over the years. The demand for Crown Lands has far outweighed the available land for distribution; thus, eligible Virgin Islanders/Belongers are still waiting for Crown Lands to become available. Additionally, there were persons who followed through with home development as intended, but others did not for reasons most often connected to an inability to pay for the land. The Government took note of this situation and initiated a payment plan; however, persons were still unable to make payments. Therefore, the option to purchase was revoked and other Virgin Islanders/Belongers who were readily in a position to purchase the land received an opportunity to do so. There are other cases where the awardee paid for and then sold the land at significant profit. These situations cannot continue, as they defeat the purpose of the programme. This policy requires a Sale and Purchase Agreement (*prepared by Attorney General's Chambers*) in conjunction with the Instrument of Transfer to be in place that will govern the sale of all Crown Lands to qualified Virgin Islanders/Belongers.

Therefore, the Government will restrict the disposal and resale of Crown Lands as follows:

1. The option to purchase Crown Lands would only be available to eligible Virgin Islanders/Belongers. Except in the special cases of Anegada and Salt Island, disposal of Crown Lands would only be to facilitate the First-Time Land Ownership Programme.

Lands under the programme would be covenanted to prevent development of commercial residences, including apartment complexes of more than two units.

2. The Government has the first right of refusal on the resale of unimproved or improved land purchased through the Programme.
3. The resale of the unimproved or improved land will otherwise be restricted to another Virgin Islander/Belonger in the Programme.
4. The resale price of the unimproved market value shall be capped at no more than 25% of the sale price.

These measures seek to ensure preservation of scarce land resources for Virgin Islanders/Belongers and prevent profiteering on the purchase and resale of Crown Land and ensure that the *First-Time Homeownership Programme* works as intended.

In addition to this **Crown Lands Disposal Policy**, the Government is also considering a **Virgin Islands Housing Policy**, to be addressed separately, with the following objectives:

- (1) Promoting Housing Accessibility: The primary objective revolves around enhancing accessibility to adequate, safe, and affordable housing options for individuals and families, irrespective of income brackets or social backgrounds.
- (2) Ensuring Housing Stability: By facilitating stable homeownership and reducing financial burdens, the policy aims to foster long-term housing stability for participants, fostering a sense of security and community integration.
- (3) Mitigating Economic Disparities: Addressing economic disparities in housing access, the policy endeavors to narrow the gap between various income groups, promoting equity in housing opportunities and contributing to socioeconomic balance.
- (4) Fostering Sustainable Communities: Beyond providing housing, the policy strives to build vibrant, sustainable communities by encouraging responsible homeownership, promoting neighborhood engagement, and supporting infrastructural development.
- (5) Optimizing Public Resources: Leveraging available resources effectively, the policy aims to maximize the utilization of government assets, including land and subsidies, for the greater benefit of affordable housing provision.

These objectives collectively serve as the cornerstone of the Virgin Islands Housing Policy, guiding its strategic initiatives and driving its mission to redefine housing accessibility and affordability for the betterment of society.

Commercial and Agricultural Use

Crown Lands for the purpose of commercial or agricultural development would be made available on a leasehold arrangement only.

All leasing of Crown Lands for commercial and agricultural purposes shall be guided by this Policy, the Marine Estate Administration Policy and the Non-Belonger Land Holding Policy. No Development Agreement committing Crown Lands shall be negotiated or entered into without the consultation of the Ministry responsible for Crown Lands to ensure that the agreement aligns with the above referenced policies.

For commercial uses, the leasehold interest would cover a period of no less than fifty (50) and no more than ninety-nine (99) years, depending on the nature of the lease. For agricultural purposes, licences would cover a period of up to five (5) years with the option to renew, providing that conditions for the use of the land are met. However, in special circumstances, there would be an option for a *discretionary leasehold interest* depending on the nature of the investment, e.g. long-term or high dollar value yield ventures, such as poultry production that require a substantial level of time and investment. Except, if otherwise agreed in a development agreement, the initial rent for the land would be five (5) percent of the unimproved market value.

The first rent review would be ten (10) years after the initial date of the lease and every five (5) years following; the rent would be assessed at 5% of the current unimproved market value of the land. The rent for non-income generating property would be assessed at 3% of the unimproved market value of the property. Farmers are expected to execute a licence before occupying the land at a rate of 1.5% of the unimproved market value of the land.

Seabed Development and Reclamation

The act of developing or reclaiming the seabed takes what is essentially a public good and assigns it to an individual or company for development. Therefore, the Government would grant approval to complete seabed developments or reclamations only in cases where the applicant can demonstrate direct and indirect benefits to the public interest, including contributing to meeting the Territory's development objectives.

The principles and guidelines governing development of the seabed and the grant of licenses for moorings, jetties/docks, breakwaters and the like and the grant of leases for reclamations are enshrined in the Marine Estate Administration Policy, 2020. In consideration of the widespread under-utilization of existing reclaimed land as well as the principles set out in the National Sustainable Development Plan approved by Cabinet in January 2023, the following revisions to the Marine Estate Administration Policy, 2020 are proposed:

- Clarification that reclamation of the seabed is not a right but a privilege granted by the Crown where it finds it strategic and beneficial to do so in the public interest, including meeting development objectives.
- Future proposed reclamations must meet the following criteria in order to be considered:
 - Demonstration that economic, social or climate-resilience benefits outweigh the environmental and social impacts of the reclamation; and
 - Demonstration that there is no other viable option for the proposed development, including existing reclaimed land, resulting in requiring the further reclamation of the seabed.
- Reclamation shall not be carried out in the absence of full approvals for the proposed development by the Planning Authority and Building Authority.
- To avoid speculative reclamation:
 - Developers must demonstrate the financial capacity to not only complete the reclamation but execute the proposed development as part of the approval process.

- Complete the proposed development within three (3) years of approval from the Planning Authority. If development is not completed within that period, the Crown reserves the right to terminate the approval granted.
- Penalties for illegal reclamation may include punitive charges based on established principles of environmental economic valuation, and/or the requirement to remove the fill and restore the area to its original state.
- Leases for reclaimed lands would be terminated in cases where the rent is outstanding for a period of five (5) years.
- Requirement for a Social Impact Assessment in some cases.
- The Government's need for flat land, via reclamation, will be given priority over all other applications for reclamation. All reclamations will continue to be at the expense of the developer.

Monitoring and Control

This Policy authorizes the Ministry responsible for the management of Crown Lands to remove or demolish any illegal structure on Crown Land, at the developer's expense, if persons fail to comply with enforcement notices issued under the Physical Planning Act. The Ministry, in collaboration with the Royal Virgin Islands Police Force will remove, at the owner's expense, any vehicle, building material and other personal property left unattended or abandoned on Crown Lands, including public roads and sidewalks, for more than five (5) days.

Infrastructure Development

In the case of an estate that is subdivided for disposal, the Ministry will ensure that the necessary road infrastructure is put in place before the land is disposed of; however, applicants are to be mindful that a development fee to offset the installation of utilities and infrastructure will be assessed and included in the purchase price.

Way Leave

Way leave is the procedure used when Government negotiates with private property owners for right of way over land for road infrastructural purposes. This process is done by the Ministry responsible for Crown Lands in collaboration with the Ministry of Communication and Works and the Public Works Department which have responsibility for the road network infrastructure.

Crown Land Disposal Governing Bodies

Cabinet

The Cabinet of the Virgin Islands, the highest policy-making body in the Virgin Islands, has the final say on all matters concerning the business of Government, including that of disposal of Crown Lands.

The Cabinet shall properly consider the recommendations of the Crown Lands Authority for the disposal of Crown Lands, including the seabed. All Virgin Islanders/Belongers desiring to purchase Crown Land must go through the Crown Lands disposal process described herein and must have been vetted by the Crown Lands Authority. All matters forwarded to Cabinet shall be in accordance with guidelines and procedures established in the Terms of Reference for the Crown Lands

Authority, this Policy, the Marine Estate Administration Policy.

If Cabinet has questions about recommendations made via the land disposal process, the matter will be returned to the Crown Lands Authority and the Authority will revisit the matter and provide the necessary clarification enabling Cabinet to make a decision regarding the applicant(s) in question.

Crown Lands Authority

A Crown Lands Authority is to be established by statute. The Crown Lands Authority would be an independent body with responsibility for making recommendations on the disposal of available Crown Lands to eligible persons. Only Crown Lands earmarked for disposal on all islands throughout the Territory in the Crown Lands Use Plan would be within the remit of the Authority. The Crown Lands Authority shall act at all times in a transparent, accountable, and responsible manner when dealing with the disposal of Crown Lands. The Crown Lands Authority shall meet as often as necessary; however, the Authority must meet at least once per month, once there are applications to be processed.

The Crown Lands Authority may set up ad hoc Advisory Panels to assist with the disposal of lands of a particular island. The process by which the Advisory Panels are constituted will parallel the guidelines expressed in the Government's *Protocols for Appointment and Removal of Statutory Board Members*. And as the Advisory Panels are not to be standing bodies, they would be disbanded after each round of relevant disposals are completed. In the special island case of Anegada, the existing Anegada Lands Development Advisory Committee (ALDAC) [often referred to as the Anegada Advisory Lands Committee (AALC)], would function as the relevant Advisory Panel for disposals.

There are nuances shrouded in cultural and historical mores that exist on each island; therefore, the Crown Lands Authority must properly consider these nuances when disposing of Crown Lands. The sole purpose of these Panels is to assist the Authority in navigating these nuances, enabling them to make the best possible decision regarding an applicant. The Advisory Panel would submit a formal report to the Crown Lands Authority at the end of its assignment at which time the Authority would dissolve the Panel. The Advisory Panels would consist of up to seven (7) members selected by the Authority via an open and transparent process.

The Crown Lands Authority would comprise of representation from the four islands named in this Policy. The recruitment, selection and approval process would be the same as currently exist for the appointment of members to the various Statutory Boards. Cabinet would appoint the Chair and Deputy Chair on recommendation from the Minister responsible for Crown Lands.

1. Anegada
2. Virgin Gorda
3. Jost Van Dyke
4. Tortola

The Crown Lands Authority, in addition to incorporating persons from the four main islands will have representative representing the following industries:

1. Legal
2. Construction
3. Real Estate
4. Banking

The Permanent Secretary in the Ministry responsible for Crown Lands (or his/her designate), the Financial Secretary (or his/her designate), and the Chief Planner (or his/her designate), will serve as ex-officio (*non-voting*) member.

Crown Lands Unit (Ministry of Environment, Natural Resources and Climate Change)

The Crown Lands Unit shall consist of members as are assigned to the Unit. The Crown Lands Unit would serve as the Secretariat for the Crown Lands Authority. The Crown Lands Unit has overall responsibility for the monitoring, control, administration and management of Crown Lands. As such, the Crown Lands Unit has responsibility for strategic planning for the use of Crown Lands, monitoring uses of Crown Lands, managing strategic Crown Lands acquisitions, monitoring and reviewing existing lease agreements, addressing matters of encroachment, and ensuring enforcement of legislation relating to Crown Lands. The Crown Lands Unit will also address situations where lands must be re-parceled to address situations that have arisen.

The Crown Lands Unit shall:

Administrative Functions

1. The Assistant Secretary in the Crown Lands Unit will act as the Secretariat for the Crown Lands Authority;
2. Receive and screen all applications for the disposal of Crown Lands to ensure applications are complete and eligibility criteria are met;
3. Receive and process all applications for the lease of Crown Lands for commercial development, agricultural use or other uses in the public interest;
4. Receive and process all requests from persons to whom Crown Land was disposed to add family members to the Lands Register;
5. Draft all correspondence from the Crown Lands Authority to applicants;
6. Draft all Cabinet papers in line with the recommendation(s) of the Crown Lands Authority;
7. Ensure that a valuation report is done, based on market value, for every parcel of Crown Land before disposal;
8. Maintain an electronic log of past valuations to ensure that an appropriate body of evidence is available to provide open market comparisons;
9. Develop and maintain a computerized 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. For disposed or leased land, 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
10. Ensure that the Crown Lands Policy is updated every seven (7) years.

Management Functions

1. Ensure that Social Impact Assessments and Hazard Vulnerability Assessments (HVAs) are done on all Crown Lands;

2. In collaboration with the Town and Country Planning Department and other relevant ministries and departments, develop and regularly update the Land Use Plan for Crown Lands;
3. Work 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;
4. Ensure that an adequate Land Bank is maintained within the Crown's portfolio to accommodate future development and needs, including related to climate change adaptation;
5. In collaboration with the Town and Country Planning Department, identify land acquisition needs and make recommendations to Cabinet for acquisition of lands in line with the Government's strategic objectives;
6. Ensure 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
7. Work with the Ministry of Communications and Works on way leave matters.

Monitoring and Control Functions

8. Work collaboratively with the Royal Virgin Islands Police Force to ensure all vehicles, boats and other property left unattended on Crown Lands, inclusive of public roads and sidewalks, for more than five (5) days are removed, and impounded at the owner's expense;
9. Issue notices to persons who are illegally occupying Crown Land to remove themselves and property or be removed at their expense; and
10. Ensure removal or demolition of any illegal structure on Crown Land, at the developer's expense, if persons fail to comply with enforcement notices issued under the Physical Planning Act.

Crown Lands Disposal Criteria and Processes

This Policy provides a framework for the disposal of Crown Lands that recognizes both the value and the finality of the resource. Crown Lands may only be disposed of for residential purposes, except in the special case of Anegada where land may be disposed of for commercial, agricultural or other purposes to eligible persons. Having regard to the limited, suitable Crown Lands remaining for residential purposes, only eligible Virgin Islanders/Belongers would be considered.

On an annual basis, the Ministry responsible for Crown Lands shall publish a Notice in the Gazette and at least two newspapers circulating in the Territory, advising of the availability of Crown Lands for disposal, if any. The Notice shall give the particulars of the lands available, including the disposal price, maximum repayment term, minimum monthly payments, the eligibility criteria, the application process and the application deadline.

Each time there is a call for disposal of plots, an individual will need to apply to ensure they meet the criteria at the time. Virgin Islanders/Belongers are encouraged to apply when land becomes available.

Individuals qualifying to purchase Crown Land for residential purposes must meet the following criteria:

1. Virgin Islander or Belonger;
2. Age 18 or older;
3. Income below \$100,000 per annum but above \$20,000 per annum;
4. Does not already own land; however, in cases where the individual has land which cannot be developed, a land swap may be considered; and
5. As a reward for nationally-important achievements and service.

Individuals qualifying for Crown Lands for agricultural and commercial uses must meet the criteria as set out by the Department of Agriculture and Fisheries and the Department of Trade, respectively.

In special circumstances, persons who do not meet the criteria may apply for Crown Lands; however, those persons will be required to purchase the land at market value.

The Crown Lands Authority shall determine additional criteria to prioritize or rank applications from eligible persons. Such criteria may take consideration of a person's ancestral ties, tenure, geographical ties, financial capacity, social vulnerability, responsibility for dependents and contributions to society with the overriding principle that the programme is intended to assist responsible, contributing members of society without the financial means to acquire land on the open market. All additional criteria developed by the Crown Lands Authority must be approved by Cabinet before implementation.

Crown Lands Leasing Criteria and Processes

Commercial

On an annual basis, the Ministry responsible for Crown Land shall publish a Notice in the Gazette and at least two newspapers circulating in the Territory, advising of the availability of Crown Lands for lease for commercial purposes, if any. The Notice shall give the particulars of the lands available, including the lease price, use restrictions, eligibility criteria, the application process and the application deadline.

All applications for lease of Crown Lands for commercial purposes would be considered provided they are consistent with the Crown Lands Use Plan, economic development policies and compliant with the specifications for applications for commercial land. All developers requesting lease of Crown Lands must demonstrate how the proposed use/development aligns with the Crown Lands Use Plan and would contribute towards economic development policy objectives or result in significant socio-economic benefit for the Territory. All applications for commercial use would be considered on a leasehold basis only at market rates. Commercial leases may be given to companies or individuals. While preference would be given to Virgin Islanders/Belongers, Non-Belongers are eligible to lease Crown Land. Non-belongers applying for the lease of Crown Lands are bound by the requirements of the Non-Belongers Landholding Licence Policy and the legislation governing same.

The maximum lease term for Crown Land is no less than fifty (50) years and no more than ninety-nine (99) years, depending on the nature of the lease. The lease term shall be determined on a case-by-case basis giving consideration to the particulars of the case.

Agricultural

The global community has made a commitment to end hunger, food insecurity and all forms of malnutrition, which means that there must be a concerted and intentional push towards SDG target 2.1, of ensuring access to safe, nutritious and sufficient food for all people all year round, and towards SDG target 2.2, which calls for eradicating all forms of malnutrition. While the Territory is limited as it relates to sufficient flat land that can facilitate agricultural production on a large-scale basis, efforts will be made to make lands available for the production of food.

As such, on an annual basis, the Ministry responsible for Crown Lands shall publish a Notice in the Gazette and at least two newspapers circulating in the Territory, advising of the availability of Crown Lands for lease for agricultural purposes, if any. The Notice shall give the particulars of the lands available, including the lease price, use restrictions, eligibility criteria, the application process and the application deadline.

Registered farmers are invited to make application to the Crown Lands Authority for the lease of any available Crown Lands designated for the purpose of agricultural production. All applications would be considered provided they are consistent with the Crown Lands Use Plan, agricultural development policies and compliant with the specifications for applications for agricultural land. If a lease for agricultural production is executed and the land is not utilized for the intended purpose within one (1) year, the lease would be terminated.

APPLICATION FEES

The fees associated with the various aspects of this policy are contained herein. All fees noted in this Policy are non-refundable, whether approval is granted or not.

Fee Category	Amount
Application	
○ Individual	\$50.00
○ Company	\$100.00
Processing	\$250.00
Lease or Transfer	
○ Individual	\$600.00
○ Company	\$1,000.00
Development	\$1,000.00
○ Paid yearly until the development is completed. After the completion of the development/reclamation, this fee stops. Development refers to reclamation, jetty, barge ramp, mega yacht facilities, moorings, etc.	
Dredging	
○ 500 cubic yard or less	\$3,000.00
○ Above 500 cubic yard	\$5,000.00

Reclamation	\$2,500.00
Mooring	
Private Jetties	
o Individual (per square foot)	\$1.00
o Company (per square foot)	\$2.00
Commercial Jetties	
o Individual	\$2.00
o Company	\$2.50
Barge Ramp	\$500.00
Mega Yacht Facilities (per square foot)	\$4.00

APPLICATION PROCESS

All applications for the lease or acquisition of Crown Lands must follow the process as delineated herein. The application process for use of the seabed, including reclamation of the seabed, is contained in the Marine Estate Administration Policy.

The length of time to complete the review process will be a function of the particular circumstances surrounding a particular request. That said, all else being equal, the process should be completed in between three (3) to four (4) months.

1. Ministry of Environment, Natural Resources and Climate Change advertises the availability of Crown Lands for lease or disposal;
2. Virgin Islanders/Belongers interested in purchasing Crown Lands for residential purposes must submit a completed application form with the associated non-refundable application fee. Applicants must also submit documentation showing proof of being a Virgin Islander or Belonger such as all necessary passports and birth certificates, as well as documentation to demonstrate that all other eligibility criteria are met;
3. Applicants interested in leasing Crown Lands for commercial purposes must submit the application form supported by a detailed business plan;
4. Non-belongers interested in leasing Crown Lands (commercial purposes only) must submit an application form with the associated non-refundable application fee and additional supporting information as indicated herein. A detailed business plan must be submitted along with the other required documentation;
5. Farmers interested in leasing Crown Lands for agricultural purposes must submit the application form together with proof of being a registered farmer;
6. Crown Lands Unit checks application for completeness, conducts a check against the eligibility criteria in the case of disposal and assigns a file and reference number to each application;
7. Crown Lands Unit acknowledges receipt of the application. If the application is incomplete, it is returned to the applicant. If the applicant does not meet the eligibility criteria, they are so advised;
8. Crown Lands Unit considers and makes recommendation on all complete applications for lease against the requirements;
9. Crown Lands Unit submits all complete applications meeting the eligibility criteria for

disposal to the Crown Lands Authority for consideration, including the completed application form and supporting documents, valuation report, and an analysis of the Social Assessment and Hazard Vulnerability Assessment reports, etc.;

10. Crown Land Authority reviews applications and engages others (*Crown Lands Unit, Advisory Panel, etc.*) as needed in finalizing the review of the application;
11. Crown Lands Unit prepares Cabinet paper in accordance with the recommendations of the Crown Lands Authority and forwards to Cabinet; and
12. Crown Lands Unit notifies applicants of the outcome of their application. In the case of an award of land, it details the terms and conditions of the purchase or lease.