



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.01 (N)

NEVIS LAND DEVELOPMENT ORDINANCE

Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

NEVIS LAND DEVELOPMENT ORDINANCE

Ordinance 4 of 1984 ... in force

Amended by: Ordinance 2 of 1988

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CHAPTER 4.01 (N)

NEVIS LAND DEVELOPMENT ORDINANCE

AN ORDINANCE TO ESTABLISH A NEVIS HOUSING AND LAND DEVELOPMENT CORPORATION, TO EMPOWER THE CORPORATION TO BORROW OR OTHERWISE RAISE MONIES AND TO MAKE LOANS TO PERSONS FOR THE PURPOSE OF IMPROVING OR INCREASING ACCOMMODATION, TO PROVIDE FOR THE SYSTEMATIC DEVELOPMENT AND ALIENATION OF LAND BY THE CORPORATION FOR AGRICULTURE, INDUSTRY AND TOURISM, TO SET UP A FUND FOR DEVELOPMENT OF THE ISLAND OF NEVIS AND FOR MATTERS CONNECTED THERETO.

(Long title amended by Ordinance No.2 of 1988)

Short title.

1. This Ordinance may be cited as the Nevis Housing and Land Development Ordinance.

(Amended by Ordinance No. 2 of 1988)

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

“development Project” means a project for—

- (a) the more economical and efficient use of Corporation land for purposes of agricultural, industrial or tourism development;
- (b) the development of income and employment opportunities in such Corporation land thereby and improving the standard of living of the farmers in such areas;
- (c) the development and supply of water for agricultural purposes and for soil conservation in such Corporation land;
- (d) the establishment of agricultural schemes and subsidy systems for rehabilitation and replantation of crops in such corporation land;
- (e) the establishment of housing schemes.

(Inserted by Ordinance No.2 of 1988)

“agriculture” includes horticulture, fruit growing, seed growing, forestry, dairy farming and livestock breeding, the use of land as grazing land, market gardens and nurse grounds and fisheries including aquaculture and mariculture;

“alienation”, with its grammatical variations and cognate expressions, means the alienation of the land either by sale, lease, mortgage, contract or tenancy or otherwise under this Ordinance;

“Corporation” means the land Development Corporation established under section 3 of the Ordinance;

“Corporation land” means the land transferred to the Corporation;

“Crown land” means the Crown land and buildings other than the land and buildings vested in the Crown and specifically appropriated to the use of the Government of St. Christopher and Nevis;

“foreshore” means the shore of the Island of Nevis between the high-water mark and the low-water mark;

“land” includes the foreshore;

“Minister” means the Minister who is for the time being responsible for Agriculture, land and Housing in the Nevis Island Admiralty.

(Amended by Ordinance No. 2 of 1988)

PART I

ADMINISTRATION OF THE ORDINANCE

Land Development Corporation.

3. (1) It is hereby established, for the purposes of this Ordinance, a body to be called the Land Development Corporation which shall be a body corporate having perpetual succession and a common seal and having as its object the systematic development and management of land vested in the Corporation.

(2) The seal of the Corporation shall be authenticated by the signature of the Chairman or any other member authorised to act in that behalf and such seal shall be officially and judicially noticed.

(3) All documents other than those required by law to be under the seal and all decisions of the Corporation may be signified under the hand of the Chairperson.

(4) The Corporation may sue and be sued in its corporate name and may for all purposes be described by such name.

Composition of the Board.

4. (1) The Board of Directors of the Corporation shall be composed of a Chairperson who shall be the Minister and not more than three other members.

(2) The Minister shall appoint in consultation with the Cabinet of the Nevis Island Assembly the other three members of the Board and shall designate one member as Vice Chairperson and the persons so appointed shall hold office for a period not exceeding three years and shall be entitled at the expiration of the term of office to be reappointed by the Minister.

(3) The Chairperson and the three members shall be its Board of Directors responsible for the management and systematic development of housing and land in the Island of Nevis.

(Amended by Ordinance No. 2 of 1988)

Procedure and Meetings of the Board.

5. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such Meetings shall be held at such place and time and on such days as the Board may determine.

(2) The minutes of each meeting shall be kept in proper form and they shall be confirmed by the Chairperson at the next meeting.

(3) The Chairperson shall preside at any meeting of the Board at which he is present and three members of the Board shall constitute a quorum.

(4) The Chairperson may at any time call a special meeting of the Board.

(5) The Board shall have the power to regulate its procedure at meetings specially in respect of matters not dealt with in this Ordinance.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member of the Board.

Functions of the Corporation.

6. The functions of the Corporation shall be the following—

- (a) to develop schemes for housing and the more efficient and economical use of the agricultural land vested in the corporation;
(Amended by Ordinance No. 2 of 1988)
- (b) to provide for the development of water supplies to such Corporation land;
- (c) to encourage conservation of soil; and
- (d) to provide training facilities to farmers and workers in projects developed by the Corporation.

Powers of the Corporation.

7. The powers of the Corporation shall be the following—

- (a) to equip and develop lands vested in the Corporation for Agricultural, industrial and tourism projects;
- (b) to acquire land or to use any land vested in the Corporation for all or any of the purposes of an approved Housing Scheme, which may include the erection, construction, maintenance and improvement (whether by the Corporation or by persons other than the Corporation) of houses and gardens, factories, workshops, places of worship, places of recreation, and other works and buildings and generally all such matters as are necessary or desirable for, or are incidental to, the development of property for housing purposes;
- (c) to alter, enlarge, repair or improve houses or buildings, which, or an estate in which, the Corporation has acquired with a view to the provision or improvement of housing accommodation;
- (d) to acquire land and purchase livestock and farming machinery and implement for agricultural purpose;
- (e) to alienate land vested in the Corporation for agricultural, industrial and tourism or for any other developmental purposes;
- (f) to enter into agreements with or joint ventures for the use of such lands or services provided under specified projects;
- (g) to carry out the development projects in respect of which agreements have been entered into by the Corporation;
- (h) to borrow money for purposes envisaged by this Ordinance on such security as may be determined by the Board and without prejudice to the generality of the foregoing to raise money and to make loans to persons with or without interest for the purpose of improving or increasing housing accommodation; and

- (i) to enter into such agreements and to do such acts and carry on such functions as are necessary for the carrying out of the objects of this Ordinance.

(Amended by Ordinance 2 of 1988)

Delegation of powers and functions of the Corporation.

8. (1) The Corporation may from time to time by writing under the hand of the Chairperson, delegate to any department or agency of the Nevis Island Administration any of his or her powers and functions in respect of the development and management of housing and land vested in the Corporation.

(Amended by Ordinance 2 of 1988)

(2) Subject to any general or special directions attached by the Corporation, such department or agency of the Nevis Island Administration may exercise such functions and powers so delegated as if they had been conferred on them directly by this section and not by delegation.

Capital of the Corporation.

9. The initial capital of the Corporation shall consist of—

- (a) such money as may be provided by the Nevis Island Assembly;
- (b) such money as may be provided by grants or donations by the international funding agencies or foreign Governments through the Nevis Island Administration; and
- (c) all crown land transferred to the Corporation.

Officers and employees of the Corporation.

10. (1) The Board may appoint and employ on such terms and conditions, as it thinks fit, officers and employees for the proper and efficient administration and performance of the Corporation.

(2) The Governor-General may, with the approval of the Public Service Commission, authorise the transfer on secondment any public officer from the service of the Government of St. Christopher and Nevis to the service of the Corporation.

(3) The Corporation shall pay from its funds to the Government such contributions in respect of such officers deemed to be seconded from the service of the Government of Saint Christopher and Nevis to the service of the Corporation in accordance with the rules of the Public Service Commission.

(4) The Corporation shall not offer employment to any such officers except on terms and conditions certified under the hand of the Chief Establishment Officer to be in his opinion not less favourable than those enjoyed by that officer in his substantive post.

(5) The Corporation may engage the services of experts and persons qualified in the practice of a profession where it is considered expedient.

Disclosure of interest.

11. A member of the Corporation who is directly or indirectly connected with the sale of land or in a contract made or proposed to be made by the Corporation shall disclose the nature of his interest at a meeting of the Corporation and shall not take part in any deliberation or decision of the Corporation in respect of that sale of land or contract.

Protection of Members.

12. No member of the Corporation shall be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of administration of the Corporation.

Remuneration of members.

13. There shall be paid from the funds of the Corporation to the Chairman, Vice Chairperson and other members of the Corporation such remuneration by way of honorarium, salary or fees and such allowances as the Cabinet of the Nevis Island Assembly may determine.

Accounts and Audit.

14. (1) The Corporation shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts which shall conform to the established accounting principles.

(2) The accounts of the Corporation shall be accounted by an Auditor appointed annually by the Corporation and approved by the Cabinet of the Nevis Island Assembly.

Annual Reports and estimates.

15. (1) The Corporation shall prepare and submit to the Premier of the Nevis Island Assembly within three months after the expiration of each financial year a report—

- (a) dealing generally with the activities of the Corporation during its last preceding financial year;
- (b) containing such information relating to the proceedings and policy of the Corporation as in its opinion can be made public without detriment to the interest of the Corporation, and
- (c) including a statement of its accounts audited in accordance with section 14.

(2) The Premier of the Nevis Island Assembly shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the Table of the Nevis Island Assembly.

(3) Copies of the Corporation's report with the annual statement of accounts and auditor's report on that statement or on the accounts of the Corporation shall be published in such manner as the Premier of the Nevis Island Assembly may direct.

PART II**ALIENATION OF LAND VESTED IN THE CORPORATION****Land not to be alienated except at the principal office of the Corporation.**

16. No land vested in the Corporation may be alienated except at the principal office of the Corporation in the matter prescribed by the Corporation.

Grant not to be issued for un-surveyed land.

17. Land which has not been surveyed shall not be alienated by the Corporation.

Registration at any alienation.

18. Every alienation, when issued, shall be registered at the instance of the Minister in such manner as may be prescribed by regulations.

Diagram to be attached to the plan.

19. The land alienated by the Corporation shall be described with reference to a plan prepared by or under the Authority of a licensed surveyor and kept in his [??006]. There shall be attached to each alienation a diagram of the land alienated by the Corporation.

Copy of plan to be supplied on payment of a prescribed fee.

20. A licensed surveyor shall issue to any person a copy of any plan on payment of the prescribed fee.

PART III
MISCELLENEOUS

Mapping out of land.

21. Subject to the general or special directions of the Minister, land in the Island of Nevis may be mapped out by a licensed surveyor on the recommendations of a land use expert for any one or more of the following purposes—

- (a) village expansion;
- (b) prevention of the erosion of soil;
- (c) agricultural development purposes
- (d) forest reserves;
- (e) protection of streams and other water supplies;
- (f) development of towns, Government buildings, roads or works;
- (g) tourism development;
- (h) industrial development; and
- (i) any other purpose that may be prescribed.

Establishment of an agricultural Fund.

22. (1) A fund for the development of agriculture is hereby established by the Corporation.

(2) The fund shall include—

- (a) such sums as provided by the Nevis Island Assembly or any other International Funding Agencies;
- (b) proceeds of any sale, lease, rentals, fees or charges of land vested in the Corporation; and

- (c) any income derived out of agricultural projects established in such land by the Corporation.

Regulations.

23. (1) The Minister may make Regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of powers conferred by subsection (1), Regulations may be made in respect of all or any of the following matters—

- (a) mapping out of land;
- (b) forms, fees, documents and matters required by this Ordinance to be prescribed;
- (c) classification of purposes for alienating land;
- (d) initiating agricultural programmes such subsidy schemes for development of agriculture;
- (e) application for, and repayment to the Corporation, of loans for housing; and
- (f) for any matters incidental to or connected with the matters or subjects specifically referred to in this Ordinance.

(Amended by Ordinance 2 of 1988)
