

LAWS OF GUYANA

ACQUISITION OF LANDS (NOT BENEFICIALLY
OCCUPIED) ACT

CHAPTER 62:09

Act

2 of 1984

Amended by

2 of 1989

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of
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This Chapter contains no subsidiary legislation.

CHAPTER 62:09

ACQUISITION OF LANDS (NOT BENEFICIALLY OCCUPIED) ACT

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CHAPTER 62:09

ACQUISITION OF LANDS (NOT BENEFICIALLY OCCUPIED) ACT

2 of 1984

An Act to make provision for the acquisition of land which is not beneficially occupied other than State Lands or Government Lands, so as to ensure rational use of such land and for matters connected therewith.

[22ND MARCH, 1984]

Short title.

1. This Act may be cited as the Acquisition of Lands (Not Beneficially Occupied) Act.

Interpretation.
[2 of 1989]

2. In this Act—

“Commissioner” means the Commissioner of Lands;

“land” includes all buildings thereon and all land whether covered with water or otherwise, other than State Land or Government Land.

Commissioner to inspect land not beneficially occupied.

3. (1) The Commissioner is hereby empowered to enter upon any land, which he has reason to believe is not beneficially occupied, for the purpose of examining it to ascertain whether it is beneficially occupied.

(2) In exercise of the powers conferred upon the Commissioner under subsection (1) he may, subject to subsection (3), enter upon any land together with his agents, servants or workmen and do all acts necessary to ascertain whether the land is beneficially occupied.

(3) The Commissioner shall, not less than seven days prior to his entering upon the land under subsection (2), serve by registered post on the owner at his last known place of residence a notice of his intention to do so and specifying

the date and time of his entry and, if his address is not known to him or if he cannot by reasonable efforts be found, the Commissioner shall, not less than seven days prior to his entering upon the land, affix such notice on a conspicuous part of the land.

(4) The Commissioner may authorise in writing any public officer to exercise the powers conferred upon him under this section and the public officer so authorised may exercise all the powers conferred upon the Commissioner under this section.

Minister to
issue notice.

4. (1) Where the Minister has reason to believe, either on information provided by the Commissioner or otherwise, that any land is not beneficially occupied, he may declare by a notice that, if such land is not beneficially occupied in such manner, and within such period, not exceeding one year, as may be stated in the notice, the land will be compulsorily acquired by the State under this Act.

(2) A notice under subsection (1) shall—

- (a) contain a description of the land by physical metes and bounds or by natural features or by reference to any document of title under which it is held, so as to enable it to be identified clearly;
- (b) state the manner in which and the period within which the land is required to be beneficially occupied;
- (c) be published once in the *Gazette* and in one local newspaper circulating in the area in which the land is situate;
- (d) be affixed upon a conspicuous part of

the land;

- (e) where the owner can by reasonable efforts be ascertained and is resident in Guyana, be served on him by post at his last known place of residence.

(3) For the purpose of subsection (2) (e) any notice addressed to the owner at his last known place of residence shall be deemed to be served at the time when in due course of post it would be delivered at that address.

(4) The Minister, if sufficient cause is shown to him, by any person having or claiming to have a right, title or interest to or in the land in respect of which a notice has been published under subsection (2), within thirty days after the publication of the notice in the *Gazette* or the service of the notice on him, whichever is the later, may, by a notice published, affixed and served in the manner specified in subsection (2) (c), (d) and (e), revoke the first mentioned notice and thereupon further proceedings under this Act in relation to that land shall cease.

Minister to
authorise
Commissioner
or any public
officer to
inspect land.

5. (1) After the expiration of the period stated in a notice under section 4(1), the Minister shall, where such notice has not been revoked under section 4(4), authorise in writing the Commissioner or any public officer to enter upon any land described in the notice for the purpose of examining it to ascertain whether it is beneficially occupied in the manner stated in the notice.

(2) Any person authorised by the Minister under subsection (1) may exercise all the powers conferred upon the Commissioner under section 3.

(3) The person authorised under subsection (1) shall, at the examination conducted by him, record any representations made to him by any person having or

claiming to have any right, title or interest to or in the land and thereafter forward a report of his findings to the Minister, together with any representations recorded by him.

Minister may extend period stated in a notice.

6. (1) If on the report submitted under section 5(3), the Minister is satisfied —

- (a) that reasonable efforts have been taken to occupy the land beneficially; or
- (b) that the land is not beneficially occupied for cause which appears to him to be reasonable,

the Minister may by a notice published, affixed and served in the manner specified in section 4(2) (c), (d) and (e) extend the period stated in the notice under section 4(1) for beneficially occupying it, notwithstanding that the aggregate of the periods specified in the aforesaid notices exceeds the upper limit specified in section 4(1).

(2) Where the Minister acts under subsection (1), he may, having regard to all the circumstances of the case, including any request made in that behalf by the owner, if he considers it reasonable, vary the manner stated in the notice under section 4(1) in which the land is required to be beneficially occupied.

(3) Where the Minister under subsection (1) extends the period, he shall after the expiration of the period as so extended authorise in writing the Commissioner or a public officer to enter upon and examine the land and make a report of his findings to him and the provisions of section 5(2) and (3) shall apply to such authorisation, entry, examination and report.

Decision of the
Minister.

7. (1) Where the Minister is satisfied on a consideration of the report under section 5 or 6, as the case may be, and the representations recorded under those sections that the land referred to in the report is —

- (a) beneficially occupied, he shall declare by a notice published, affixed and served in the manner specified in section 4(2) (c), (d) and (e) that further proceedings under this Act in relation to that land shall cease;
- (b) not beneficially occupied, he shall, where he does not act under section 6, by order, direct that the land shall, at the expiration of such period as may be specified in the order, vest in the State.

(2) Where the Minister makes an order under subsection (1) (b), the land shall, at the expiration of the period specified in the order, vest in the State free of all encumbrances.

Notification of
order and
suspension of
dealings with
the land.

8. (1) Where an order is made under section 7(1)(b) notice thereof shall be published in the *Gazette* and served by post on the owner or his attorney, if his appointment has been notified to the Minister, if either is resident in Guyana, at his last known place of residence and, if both are not so resident or cannot by reasonable efforts be found shall be considered served if it is published and affixed in the manner specified in section 4(2) (c) and (d).

(2) From the date of service of the notice under subsection (1), no person shall sell, transfer, lease, mortgage or otherwise alienate or encumber any right, title or interest to or in the land described in the order or enter into any contract relating to that land, until the date of vesting of the land in the

State.

(3) Any sale, transfer, lease, mortgage, alienation, encumbrance or contract made or entered into contrary to this Act shall be null and void.

Certified copy of order to be deposited in deeds registry.

c. 5:02

9. Where any order is made under section 7(1)(b), the Minister shall cause a certified copy of it to be deposited in the deeds registry or where the land in respect of which the order is made is subject to the provisions of the Land Registry Act, in the land registry of the district in which the land is situate, and from the expiration of the period specified in the order, that certified copy shall be conclusive evidence that the land described in the order is vested in the State. The Registrar of Deeds or the Registrar of Lands, as the case may be, shall file the same and shall make such annotations on the records or the register as may be necessary.

Certain provisions of the Acquisition of Lands for Public Purposes Act, to apply.
c. 62:05

10. (1) Sections 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 24A, 25, 26, and 27 of the Acquisition of Lands for Public Purposes Act shall *mutatis mutandis* apply in relation to the assessment and award of compensation for land acquired under this Act as they apply in relation to the assessment and award of compensation for land acquired under that Act.

(2) For the purposes of subsection (1), section 18(1) (vi) of the Acquisition of Lands for Public Purposes Act shall have effect as if the words “required for the public purpose for which it has been” were deleted therefrom.

Power to deal with land acquired under this Act.

11. Land acquired under this Act may be sold, leased or otherwise dealt with in all respects in the same manner in which State land is sold, leased or otherwise dealt with from time to time by any law, practice or procedure.

Obstructing public officer or other person in the execution of

12. Any person who obstructs a public officer or other person in the execution of his functions under this Act or aids or abets any person in so doing shall be liable on summary

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functions
under this Act.
[6 of 1997]

conviction to a fine of forty-one thousand two hundred and fifty dollars, and in default of payment to imprisonment for six months.

Protection of
persons acting
under this Act.
c. 5:07

13. Any person acting under this Act shall be entitled to the protection afforded by the Justices Protection Act.

High Court to
issue writ of
possession.

14. (1) Upon the Commissioner producing or causing to be produced a certified copy of the order made under section 7(1) (b) before the High Court, the Court is hereby required forthwith to issue a writ of possession directing the Registrar of the Court or a marshal to put and place the Commissioner or anyone nominated by him in possession of the land described in the order for and on behalf of the State, and, if need be, to remove therefrom any person or persons refusing to vacate it.

(2) The provisions of subsection (1) shall not prevent the Commissioner from obtaining possession of the land described in the order by any other mode of recovery.
