



LAND TENURE
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Consultancy Services to
The Government of the
Republic of Trinidad &
Tobago

LAND USE POLICY AND ADMINISTRATION PROJECT (LUPAP)

FINAL REPORT

MANUAL OF PROCEDURES FOR STATE LAND MANAGEMENT

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Manual of Procedures for State Land Management

1. Introduction

This Manual of Procedures is expected to assist practitioners of State Land Management in identifying the procedures that have to be adopted in dealing with numerous aspects of management of State land in Trinidad and Tobago. It should be read with legislation, regulations and policies promulgated by Government. The Manual does not supercede them in any manner. It only attempts to lay down the procedures that land officers should follow in the exercise of their duties and responsibilities and relies heavily on the 1992 Policy Document, the "Procedures and Policies" Document of 1989 and the Operations Manual of the Land Administration Division of the Ministry of Agriculture, Land and Marine Resources issued in May 1996.

While there are many pieces of legislation that touch on State lands, the following Acts and Ordinances would be applicable in the day to day work of Land Officers attached to the Commissioner of State Lands:

- (a) State Land Act 32 of 1918 together with its amendments
- (b) Land Acquisitions Act 28 of 1994
- (c) Mines, Boring and Quarries Act
- (d) Real Property Ordinance 11 of 1946

In addition, the Title Registration Act, Land Adjudication Act and the Land Tribunals Act have received approval of Parliament (April, 2000) and await proclamation. These are important legislation pertaining to title registration and Land Officers should be conversant with the provisions.

Land Officers are expected to study and follow regulations pertaining to all these Acts.

2. Definition of State Land

"State land" is not defined in the State Lands Act or the Tobago House of Assembly Act. An examination however, of the various pieces of legislation reveals that there are varying definitions of the term as it appears in these statutes of Trinidad and Tobago. The term "State land" is defined in these Acts to suit the ends and objects of each piece of legislation. Generally however, the term is intended to mean lands in Trinidad and Tobago which are not privately owned or held, and over which the State through a government agency, a specially chartered authority, or a wholly State owned corporation exercises ownership.

3. Definition of Land Management

The term “Land Management” is used to describe decision making by the owners of the land about the use and enjoyment of land within the framework of existing land legislation. The term “land” includes land parcels and buildings attached to the land. In a functional way, land management, including the management of State land, should be a very inclusive activity, spanning both the direct use of that land by State agencies, or the leasing of State land by the State to private holders of the land and also the supervision of those leases by a State agency. State land management functions also include the acquisition of private land for public purposes.

4. Definition of State Land Management

State Land Management has some elements of real estate management but covers a much wider scope and describes the responsibilities cast on governmental agencies managing State land. It encompasses the procedures and institutional means whereby State land resources may be located, evaluated, conserved, distributed and managed so that they may be utilized on a sustainable basis and to the greatest national advantage. The acquisition of private lands for public purposes is also part of the responsibilities cast on State land managers. State land management agencies carry out some or all of the following functions. Details of important activities under each are given below:

(a) Locate the land under management

- identify state land clearly
- parcel surveys and maps
- identify reserves and other areas that cannot be alienated
- identify alienated land and other encumbrances on state land

(b) Evaluate its capability/value

- assess capabilities of land for specified uses
- determine rent prices with and without subsidies

(c) Conserve the land for designated purposes

- identify environmentally sensitive areas as described in the Environmental Management Act
- identify forest, wildlife and other reserves
- identify road, river and stream reservations
- identify areas topographically unsuitable or subject to erosion, landslides etc.

(d) Distribute and allocate the land to identified and contracted users

- select recipients
- choose tenure forms
- formalize rights and responsibilities

- transfer of land to other agencies as and when required

(e) Manage state land under charge

- monitor adherence of users to term and conditions
- manage squatting and informal uses
- foreclose on those in violation of lease/agreements/ license conditions
- collect rents and royalties at the appropriate time and impose penalties on defaulters

(f) Acquire private land for public purposes

- acquire land identified by Governmental agencies required for public purposes
- ensure no public land is available in close proximity as an alternative site/s
- pay compensation to the owners with the least possible delay

5. Definition of Land Administration

The term “land administration” is used to mean the process of recording and disseminating information about the ownership, use and value of land (a United Nations definition).

6. Procedure for Identification of State Land

Location or identification of State land is the first step in management. State land in Trinidad and Tobago can be located as follows:

- (a) State land has been identified and marked in pink in 189 Ward Sheets 1:10,000 maintained by the Director of Surveys. However, it should be noted that the data found in the State Land Folder would only provide guidance in identification. The work that is being carried out by the Drawing Office in updating Ward Sheets and Sectional Sheets has not been transferred to the State Land Folder as yet. Therefore, it may be prudent to look at both State Land Folder Ward Sheets as well other Ward Sheets, where Lease/RPO information has been marked.
- (b) All State lands that have been distributed by way of grants/leases and agreements. In the case of certain Governmental Authorities, State lands have been vested in them under the statute establishing such Authorities. Certain Governmental Authorities have been given powers under these Statutes to lease out land vested in them for the particular purpose they were vested. The important factor to remember is that such vesting and distribution are not always reflected in the area marked in Pink as alienated land. The updating of these Ward Sheets have not taken place simultaneously as and when land distribution occurs.
- (c) Land Officers should ascertain whether there are survey plans covering any area identified, before conducting or requesting field officers to undertake field

inspections. Not all leases can be marked on the 1:10,000 sheets and the drawing office maintains sectional sheets 1:2,500 or 1:1250 to record detailed data.

- (d) Certain leases may not be in either a sectional sheet or in the Ward Sheet. However, there may be a reference to a survey plan/s on the sheet itself or such plans may be found in the Plan Books. In such cases, the Land Officer should with the assistance of the Drawing Office staff, locate any additional lease plans that have been issued within the area identified.
- (e) Once the Land Officer ascertains from all the records maintained by Director/Surveys that his records do not show issue of any leases within the area, he should refer it to the Inspector of State Lands to report on the ground situation. This is for the purpose of reporting on the incidence of squatting within the area earmarked and to sketch road, river, stream and other reservations if any, that need to be maintained. Such reservations must be sketched in to assist the Surveyor in the demarcation of boundaries at a later stage.
- (f) It is suggested that each Land Officer maintain an updated Ward sheet/s or sectional sheet/s within the Counties entrusted to him/her as mentioned above to facilitate easy identification of State land free of encumbrances.
- (g) Each Land Officer with the assistance of the Inspectors of State Lands and their field staff should carry out an encroachment survey of areas (within the Counties that each officer is responsible) falling outside of the 251 sites identified as declared areas in the Schedule to the State Lands (Regularization of Tenure) Act of 1998. An Encroachment Survey Form (Form No.1) is appended to this Manual for use.
- (h) When an application for State Land is received either from a Government institution or a member of the public, it is necessary to ascertain the availability of state land free of encumbrances as mentioned above.

7. Procedure for Evaluation of State Land

- (a) Land use decisions should be determined based on land capability classification (overall potential for use) and resource evaluation data for land use planning (taking into account physical, social, and economic information). Land Officers should utilize both land capability data as well as resource evaluation data in the process of ascertaining the land is suitable for the intended purpose. Evaluation also casts a responsibility on the Land Officer to determine whether the particular use is the best among competing demands emanating from different sectors of the economy. Prioritization of use through land capability assessments and resource evaluation data is expected.
- (b) Land Officers should access the only existing national study of land capability conducted in the 1960's and utilize this information whenever needed. However, due

to development, the data contained in this study may be out of date. In such instances, field visits will be useful to update information on parcels.

- (c) The Land Officers should also obtain the land use and zoning description of the land in question from the Director of Town and Country Planning. Arrangements are being made to share this information the Town and Country Planning Division has, with the Commissioner of State Land. If the land use and zoning plan for the area falls outside the proposed land use, the application should be rejected on that ground alone. The applicant should be promptly written to indicating that the proposed land use is in conflict with the determined land use as indicated by the Director of Town and Country Planning.
- (d) Land Officers should also ascertain whether the land is subject to flooding, erosion, landslides, environmental hazards or is deemed topographically unsuitable for the particular land use, even if the particular use falls within the zoning plan of the Director, Town and Country Planning. If soil data is available, such data should be used to determine land capability.
- (e) If the land in question does not seem to be in conflict with zoning plans, approval of the Director, Town and Country Planning should be sought. In the course of the investigation, if certain valuable data are found as described under (d) above, which may be useful for the Director, Town and Country Planning, such data should be forwarded together with observations of the Commissioner of State Lands.
- (f) The determination of market value of each parcel is a matter for the Commissioner of Valuations. Section 9.5. General Terms and Conditions provides details of how the annual rent would be computed based on each type of land use.

8. Procedure for Conservation

- (a) Trinidad and Tobago has an extremely rich endowment of biological diversity in terrestrial, wetland and marine ecosystems. Habitat destruction constitutes the major threat to biological diversity and this fact needs emphasis in dealing with State land distribution. The first step for any Land Officer in regard to conservation would be to mark out the existing protected area systems in order to identify sites of biological significance and priorities for conservation.
- (b) Make special note of “environmentally sensitive areas” or land where “environmentally sensitive species” reside, requiring special protection as prescribed under Section 41(1) of the Environmental Act.
- (c) Refer to the Environmental Authority, any activity on a lease under consideration on State land that would result in air, noise, water pollution and release of considerable quantum of waste material. In all such cases, a certificate of environmental clearance has to be obtained by the applicant for the activity, prior to consideration of the lease.

- (d) If any State land is requested or identified for any form of development in close proximity to any forest reserve, nature reserve or any protected area, the first step would be to reconcile the need with the needs of the institution charged with the responsibility of the protected area. The Forestry Division should be contacted and their views sought. There are also non-governmental organizations instrumental in conservation efforts and their views too need to be considered. Similarly, the views of the local population and their needs have to be addressed, before any decision is made. Any lands falling within the buffer zone of a protected area must be avoided. Even if the State land in question falls outside the buffer zone, the particular use may cause problems in the future to the forest reserve or nature reserve by way of squatting or encroachment. Such cases too, need to be avoided.
- (e) Land characteristics such as slope angle, flooding, erosion hazards and landslides should be taken into account.
- (f) Action should be taken by all Land Officers to maintain the nation's unique indigenous biological wealth and to preserve its biological diversity, namely genetic variation within species, the diversity of species and diversity of ecosystems. Areas under severe pressure will be identified, demarcated and conserved including those endangered endemic species of flora and fauna, critical habitats and protected areas.
- (g) The existing protected area network including forests and wildlife reserves in Trinidad and Tobago should be defined clearly and protected. Similarly, environmentally sensitive areas will be identified and conserved.
- (h) All wetlands should be defined and protected. Each wetland will be inventoried describing its functions, products and attributes and management plans will be prepared to secure environmentally sound management. Among the functions will be groundwater recharge, ground water discharge, flood control, shoreline stabilization/erosion control, sediment/toxicant retention, nutrient retention, biomass production, storm protection/windbreak, micro-climate stabilization, water transport and recreation. Any activity that will affect the natural drainage and bio-diversity conservation will not be permitted. All activities within a wetland area will be subjected to the provisions of the Environmental Management Act and its regulations and will require an environmental impact assessment.
- (i) Coastal habitats and natural features of exceptional value in the coastal zone in Trinidad and Tobago will be preserved. All Land Officers should ensure that land development activities in the coastal zone does not contribute to or aggravate erosion and that development does not occur in hazardous areas.
- (j) All unutilized state lands exceeding twenty-five degree slope should be brought under permanent forest cover.

- (k) Land subject to natural hazards such as floods, earth-slips, and erosion should be identified and no settlements permitted in such areas.
- (l) All mangroves should be identified, demarcated and preserved as an important habitat for wildlife, a nursery for fish, a nutrient trap, and to enable extraction at a sustainable level. All land development activities in areas where mangroves are found will ensure that impacts of freshwater runoff, excessive siltation, oil pollution and conversion of mangrove habitats are minimized.
- (m) Waste emissions from land related projects or investments should be within the assimilative capacity of the local environment to absorb without unacceptable degradation of its future waste absorptive capacity or other important services.

9. Procedure for Distribution of State Lands

The distribution component of land work has many dimensions and can be considered to be the heaviest for a Land Officer. The processes of alienation or distribution of State land have to be carefully followed in order that the distribution is in conformity with the policies promulgated by Government and administrative arrangements made with other agencies. However, the impact of the elements of the land distribution system on the operation and efficiency of land markets too has to be assessed. While the poorer segments in the society may not have the economic capacity to enter the land market and need to be provided with targeted programs of land distribution, the need to permit market-based allocation of land should not be overlooked.

9. 1. Application for Land

Application for State land other than for agricultural purposes, should be made as per specimen (Form No.2) attached to this Manual.

Application Forms for state lands for agricultural purposes are found in the Operations Manual of the Land Administration Division of the Ministry of Agriculture. (Forms A and B) and are available at the County Offices for use by the members of the public. Any application made to the Commissioner of State Lands for agriculture lands should be referred to this Division for necessary action.

Applications for acquisitions of private lands for public purposes should be made as per specimen (Form No.3).

9.2. Selection Process

A block of State land or parcels of State lands identified for distribution should be publicly advertised giving the following information:

- ❑ Location of the parcels
- ❑ Number of parcels available
- ❑ Parcel size
- ❑ Type of land use permitted
- ❑ Infrastructure (if any) that would be provided by the Government
- ❑ Type of costs to be borne by successful applicants
- ❑ Criteria for selection
- ❑ Documentation to be submitted by applicants
- ❑ County Office where application forms can be obtained
- ❑ Closing date for the receipt of applications

Individual requests will only be considered in the case of isolated parcels of unencumbered State land identified by an applicant. Such applicants should possess the requisite qualifications to receive State land.

9. 3. Eligibility to receive State Lands

The eligibility to receive State land is as follows:

- (a) Except in satisfaction of a legal obligation or in accordance with some general direction, or with the express approval of Cabinet, only citizens of Trinidad and Tobago will be granted leases of State land;
- (b) Land for non-residential use may be leased to incorporated enterprises that are wholly or majority owned by citizens of Trinidad and Tobago or that are not deemed to be under the control of foreign investors within the meaning of the Foreign Investment Act, 1990.
- (c) Registered co-operatives will be eligible for leases of State lands provided that the purposes for which the lands are to be used conform to national priorities and the applicants demonstrate that they possess the financial resources and managerial capabilities to execute any relevant investment project effectively;
- (d) Recognized youth and community groups, voluntary service organizations and similar non-governmental organizations will be eligible for State lands for undertaking service-oriented, non-profitable activities or commercial and productive agriculture on the condition that, in keeping with the existing practice, they are incorporated and also that they are functioning, and that the proposals are viable;
- (e) Lands identified for possible distribution for agricultural purposes will be publicly advertised and the criteria for selection of tenants will be as reflected in Appendix VI of the Land Administration Operations Manual of May 1996. Application Forms (Form A and Form B) are available at County Offices.

9.4. Minimum Parcel Size

- (a) Minimum parcel sizes for residential, commercial or industrial use will be such as are approved by the Town and Country Planning Division in relation to specific layouts;
- (b) The following minimum sizes of holdings are applicable for agricultural leases:
 - Field and vegetable production – 2 hectares
 - Tree and fruit crops - 5 hectares
 - Dairy farming/livestock rearing- 8 hectares
- (c) No individual will be granted multiple agricultural leases in excess of an aggregate of 40 hectares without the express approval of Cabinet.
- (d) Requests for isolated parcels of State land that can be used for residential purposes will be handled by the Commissioner of State Lands. In such cases too, the unit size should be as determined by the planning authorities

9.5. General Terms and Conditions of Leases

The following rentals and terms and conditions will, where appropriate, apply (as at June, 2000) to the leasing of all State land:

- (a) residential lands - 3.5% per annum of the capital value of the freehold interest
agricultural lands - 2% per annum of the capital value of the freehold interest or 20% of the economic rent, whichever is less
commercial/industrial lands - 5% per annum of the capital value of the freehold interest
- (b) Charges for the disposal of the interest of the State in any land will be based on open-market value.
- (c) In all cases where a full premium is not paid, lease will include provisions for rent reviews at ten-year intervals. However, where the rental under a lease is subject to any subsidy that is related to income and not to purpose, rent reviews will be at five year intervals.
- (d) Leases will prescribe the use to which the land may be put. They will also indicate that any change of use or sub-division will require the consent of the Commissioner of State Lands and that such consent, if granted, would be subject to a charge based on any enhancement in the value of the interest held by the tenant in the land.

- (e) Since the State cannot satisfy all requests for lands for religious purposes, the Planning Authorities will designate lands for such purposes in new sub-divisions to meet the demands for such services. It is recognized that there will be applications for lands not located in housing estates or planned developments. Such applications will be considered on their merits and the terms and conditions set out under (f) below will apply to any lease granted.
- (f) Religious organizations will be granted land on the following conditions (as per Cabinet Minute No.1863 of August 4, 1999):
- (i) The Lease will be for a term of 30 years, with an option to renew for a further term of 30 years. Non-operation for any period in excess of six (6) months will be regarded as a breach of the lease.
 - (ii) The payment of annual rent of \$1.
 - (iii) The site must be used solely for purposes consistent with the character of the organization at the date of the Lease.
 - (iv) Physical structures should be erected within two (2) years of the date of the execution of the Lease, and such physical structures should not remain unused for the purpose specified in the lease for a period longer than six (6) months
 - (v) The premises should not be assigned without the consent of the Lessor, such consent to be at his absolute discretion
 - (v) All legal and survey expenses must be borne by the Lessee.
 - (vi) The Lessee should outline proposals for the development of the site in keeping with, but not limited to:
 - the overall development of the area as defined by conditions of the regulatory agencies
 - other environmental and aesthetic concerns
 - (viii) All other terms and conditions customary in Lease of this kind
- (g) Community service organizations involved in non-profit charitable work will be granted a lease on a pepper corn rental of \$1 per annum and the conditions laid down for religious organizations will apply to them as well; This exemption however, will not apply where the organization embarks on commercial or industrial activity or uses the land for non-institutional residential purposes.
- (h) Co-operative groups, social clubs and private recreational groups will pay full open market value rental except where otherwise expressly approved by Cabinet.

9.6. Special Terms and Conditions of Lease for Residential Purposes

- (a) A private dwelling must be erected within two years of the execution of the lease.
- (b) The lessee will not assign or part with possession of the premises, without consent of the lessor first having obtained in writing (such consent will not be unreasonably withheld);
- (c) The lessee will not alter the gradients, the drainage pattern or other physical characteristics of the site or adversely affect the surrounding environment;
- (d) All legal and survey expenses must be borne by the lessee.

9.7. Special Terms and Conditions of Lease for Agricultural Purposes

The mode of application, the program of development, standard of good husbandry, criteria for selection and other procedural matters are all reflected in the Land Administration Operations Manual of May 1996 issued by the Land Administration Division of the Ministry of Agriculture, Land and Marine Resources.

- (a) Tenants would be selected based on pre-determined criteria., with points given in the categories of age, education, relevant training, relevant experience and resources for investment
- (b) The parcel must be cultivated in an efficient manner making optimum use of the potential of the land and to the satisfaction of the lessor in accordance with a program of agricultural development previously approved by the Land Administration Division of the Ministry of Agriculture, Land and Marine Resources. Such program will be subject to variation by the Ministry;
- (c) Where a house or other non-agricultural building exists on the holding, a rent equivalent to that payable in accordance with existing State policy for the letting of a comparable building site will be paid in respect of the portion of the holding dedicated to such non-agricultural building;
- (d) Prior approval must be obtained in writing from the relevant authorities for the erection of any building on the parcel or for the making of any additions, alterations and repairs;
- (e) The parcel must not be left unoccupied, or unused for a period of more than six months in any twelve month period without written consent of the lessor, first had and obtained;
- (f) The lessee will not assign, sub-let, transfer or part with the possession of the parcel or any part of it or any building thereon without prior approval of the Land

Administration Division, which will process such applications for transfer; the lessee can also bequeath his interest in the parcel;

- (g) The lessee will not alter the gradients, the drainage pattern or other physical characteristics of the site or adversely affect the surrounding environment;
- (h) All legal and survey expenses must be borne by the lessee;
- (i) Other terms and conditions customary in lease of this kind.

9.8. Special Terms and Conditions of Lease for Commercial and Industrial Purposes

- (a) The land must be used for the purpose specified in the lease;
- (b) The prior approval of all appropriate statutory authorities must be obtained in writing for any development on the land;
- (c) The premises must be used solely for the purpose for which it was leased within two years of the execution of the lease;
- (d) The lessee will not alter the gradients, the drainage pattern or other physical characteristics of the site or adversely affect the surrounding environment;
- (e) All legal and survey expenses must be borne by the lessee;
- (f) Other terms and conditions customary in lease of this kind

9.9. Special Terms and Conditions of Lease for Community Organizations and Religious Bodies

- (a) The site must be used solely for purposes consistent with the character of the organization at the date of the lease;
- (b) A building must be erected within two years of the date of execution of the lease; the Commissioner of State Lands in his discretion, may, however, extend the time within which the building must be erected;
- (c) Such building must not remain unused for the purpose specified in the lease for a period longer than six months in any twelve month period;
- (d) The tenant must not assign or part with possession of the premises without the written consent of the lessor. Such consent will be in the absolute discretion of the lessor;
- (g) The lessee will not alter the gradients, the drainage pattern or other physical characteristics of the site or adversely affect the surrounding environment;

- (h) All legal and survey expenses must be borne by the lessee;
- (i) Other terms and conditions customary in lease of this kind

9. 10. Period of Validity of Leases

The periods used for the different types of leases have been established by decisions in the form of Cabinet Minutes.

(a) Standard Agricultural Leases

30 years with an option to renew for a further 30 years

(b) Industrial/ Commercial Leases

A choice between

- (i) 30 years with an option to renew for a further 30 years with 10 year rent reviews
- (ii) A 99 year period

(c) Housing/Residential Leases

A choice between

- (i) 30 years with an option to renew for a further 30 years with 10 year rent reviews
- (ii) A 199 year lease with full premium and peppercorn rentals
- (iii) 999 years for St. Augustine area(Cabinet Minute No.1770 of October 12,1961) and NHA Settlement Trust (Cabinet Minutes Nos.1813 of October1, 1987 and 1675 dated August 4, 1988).
- (iv) Deed of Lease for 199 years in respect of squatters who are granted Statutory Lease under the State Lands (Regularization of Tenure) Act of 1998. In order to qualify, the squatters should first obtain Certificates of Comfort from the Land Settlement Agency.

Presently, leases are given for 999 years to National Housing Authority (NHA)which are sub-leased by the NHA for 199 years.

10. Procedure for the Execution of a Standard Agricultural Lease

Applications for agricultural leases are processed by the Land Administration Division of the Ministry of Agriculture. The role of the Commissioner of State Lands is confined to satisfying the statutory requirements of issuing a lease. The following procedure should be followed.

- (a) Parcel should be surveyed. If Lessee is to bear the cost of survey, a letter is sent to the Lessee by the Director of Surveys indicating that a survey is to be done by a licensed surveyor of the Lessee's choice, upon the issue of a Survey Order by the Lands and Surveys (L&S) Division.
- (b) Upon completion of the Survey, the Survey Plans are checked and approved by the Director of Surveys.
- (c) Commissioner of State Lands requests a determination of the value of the parcel from the Valuations Division for the fixing of the annual lease rent (2% of market value).
- (d) Lessee is informed in writing, the rental to be paid and requests an agreement in writing from the lessee on the rental charge.
- (e) Upon agreement by the Lessee to the rental charges, instructions are given to the Chief State Solicitor (CSS) to prepare a lease in favor of the Lessee. The instructions are accompanied by a copy of the Cabinet Minute giving approval, the Survey Plan (and Copies), and any termination of an old agreement if applicable.
- (f) A Draft Lease is prepared by the CSS.
- (g) A letter is sent to the Lessee to pay the administration fee of \$100.00.
- (h) When lease is ready for execution, the CSS invites the Commissioner of State Lands to sign the lease. The Lessee is then advised to come in for the execution of the lease by an Attorney, in the presence of a witness. The charges for lease execution are:
 - (i) Lease preparation - \$200
 - (ii) Registration - \$15-\$50
 - (iii) Stamp Duty - \$0.50-\$5 (depending on rental value)
- (i) The registered lease and copies are sent to the Commissioner of State Lands for distribution to the Lessee, L&S records, Auditor General, District Revenue Office, and the MALMR.

11. Procedures for Issue of Leases for Housing

Leases for Housing fall into two categories. They are:

- (a) Leases issued to occupants of housing lots administered by the National Housing Authority

- (b) Leases issued to occupants under the State Lands (Regularization of Tenure) Act

The Commissioner of State lands exercises administrative and management control over all state leases and agreements for Housing. The National Housing Authority is responsible for the administrative control of all land leased to the Authority. Under the National Housing Authority Act, the issue of individual leases is left to the Commissioner of State land and the Housing Authority has no power to effect leases.

At present, the National Housing Authority has three (3) distinct programs involving the leasing of state lands. These are:

- (a) The Settlements Trust Program
- (b) The Isolated Lots Program
- (c) Old Housing Estates – Transfer of Agreements to Leases

11. 1. Settlement Trust Program

The Commissioner of State Lands acting under directives in Cabinet Minute Nos. 1813 dated October 1, 1987 and No. 1675 dated August 4, 1988 is responsible for:

- (a) Checking and approving Survey plans of State lands to be leased to the National Housing Authority
- (b) Determination of the status of the parcel of land
- (c) Termination of leases or agreements involved in the isolated lots program or noting the interest of affected parties in the land.
- (d) Requesting the preparation of the leases from the Chief State Solicitor's office and executing same.

The National Housing Authority has total administrative control of parcels under this program.

11.2. Isolated Lots Program

The Commissioner of State Lands acting under the directive in Cabinet Minute Nos. 418 dated January 26, 1979, No. 2931 dated September 2, 1982 and No. 1300 dated June 16, 1988 is responsible at present for:

- (a) Determination of the status of the parcel of land applied by the applicant. The determination of the area of the parcel if data is available.

- (b) Submission of all relevant documentation to the National Housing Authority for processing
- (c) Storage of information on file and notation of application on the State land Registrar

On receiving a positive response from the National Housing Authority i.e. Note indicating that a lease should be prepared in favor of the applicant under specified terms and conditions, the Commissioner of State Lands:

- (d) Writes to the applicant and requests the payment of premium if applicable
- (e) Requests a survey of the parcel if applicable
- (f) Requests and obtains an onsite inspection of the site from the Inspector of lands
- (g) Submits all relevant documentation to the Chief state Solicitor for preparation of the lease. These to include:
 - (i) Minister's Note granting approval
 - (ii) Six (6) copies of Survey Plans and two(2) originals
 - (iii) Premium receipts indicating payments were made
 - (iv) Covering memorandum giving terms and conditions
- (h) Executes the leases and administers such functions as renewals, assignments, change of use etc. as the terms and conditions may require.

11. 3. Old Housing Estates – Transfer of Agreements to Leases

Old Housing Estates – St. James Housing, Malick, Beetham Estates, Morvant, Dinsley Severance, Huberts Town, Guapo, Old La Brea Village etc.

The tenants of these estates were given month to month tenancy agreements initially. Periodically requests are made through the National Housing Authority to have leases for thirty (30) year terms with renewal option executed in their favor. The Commissioner of State Lands treats these applications similar to 11.2. (g) and (h) above.

11. 4. Process for the Issue of a State Grant in Ownership for National Housing Authority Parcel Holder in specified areas agreed to by the Cabinet

The issue of grants for those occupying housing lots of the National Housing Authority is confined to five sites, by Cabinet decision. They are:

- (a) Baratavia
- (b) Malick
- (c) Mt. Hope

- (d) Bon Accord – Tobago
- (e) Pleasantville

The procedure in these cases is as follows:

- (a) Application is made to Commissioner of State Land for the issue of a Grant
- (b) The Drawing Office in Lands and Surveys Division draws parcel on 3 Grant Forms and the officer in charge of the Drawing Office checks forms.
- (c) Director of Surveys approves plan.
- (d) Boundary Information inserted to Grant Forms and the Grant is forwarded to the Permanent Secretary
- (e) Permanent Secretary forwards to the President for his signature.
- (f) Commissioner of State Lands enquires about indebtedness of applicant from the National Housing Authority. If not indebted, informs applicant to deposit stamps for registration
- (g) The completed Grant is forwarded to Registrar-General for registration.
- (h) Registrar-General checks and registers Grant and provides Registered Number.
- (i) The Commissioner of State Lands informs applicant to collect Grant from Registrar-General.
- (j) If indebted, the National Housing Authority prepares Deed of Mortgage in favour of Lender and registers Deed of Mortgage.
- (k) Deposits State Grant Forms and Mortgage at the Registrar-General's Office and the applicant collects Grant and Mortgage.

!2. Procedure for Issue of Commercial/Industrial Leases

The Commissioner of State Lands is responsible for the full processing of all commercial/industrial leases. The following steps are executed:

- (a) Application is received for use of land for industrial/commercial purposes. Letter of application and Ward sheet section with parcel of land marked for identification must be submitted.
- (b) Status report is executed.
- (b) If land is found to be available the following relevant agencies are asked for their comments and recommendations:

- (i) Town and Country Planning Department for land use and planning approval
- (ii) Tourism and Industrial Development Company Limited (TIDCO) – for parcels for industrial use
- (iii) Ministry of Works and Transport-Highways Division- where development is large and may have an effect on major thoroughfares
- (iv) Ministry of Trade and Industry and Consumer Affairs–parcels required for industrial purposes
- (v) Ministry of Energy and Energy Industries – parcels required for energy related industries
- (vi) Commissioner of Valuation for premiums and rental charges –usually 5% of open market value. By Cabinet directive dating to the 1970's
- (vi) Any other agency which may be relevant in a particular application

(d) Site investigation is done regarding suitability of the plot

(e) Client is informed of the rentals and/or premiums and is asked to bear survey and legal fees.

(f) Upon receipt of a written affirmative response from the applicant, the matter is sent for Cabinet's consideration and approval and includes the following:

- (i) Client's application
- (ii) Location sketch
- (iii) Replies from relevant Ministries and Departments
- (iv) Client's willingness to accept terms and conditions
- (v) Recommendation of the Commissioner of State Lands

(g) If Cabinet approves, a survey order is issued as necessary. The prospective lessee bears cost of the survey and hires his own private surveyor.

(h) Upon completion of field work and submission, checking and approval of plans, the necessary documents are sent to the Chief State Solicitor for preparation of lease. Enclosed are:

- (i) Copy of the Cabinet Minute
- (ii) Details of rentals and premiums
- (iii) All other documents as necessary
- (iv) Approved plans

(i) On preparation, copies of the lease are sent to the Commissioner of State Lands for signature and then returned to the Chief State Solicitor

(j) Premiums are to be paid before execution of the lease. Upon proof of a receipt of payment, the lease is executed and at that point the rentals are paid

13. Procedure for Issue of Leases to Non profit/Service Organizations and Local Government Bodies

(a) Application with a location sketch of the parcel is received and acknowledged by the Commissioner of State Lands. An interview with members of the Organization or representatives is necessary. The applicant is required to provide:

- (i) A copy of the constitution
- (ii) Names of Trustees
- (iii) Proof of Registration
- (iv) Status of Organization

(b) A status report on the availability of the parcel is executed.

(c) If the parcel is available the views of the relevant Government agencies/ Ministries are requested. For example:.

- (i) Ministry of Culture and Gender Affairs, Ministry of Social and Community Development or Sport and Youth Affairs for recommendations, documentation on incorporation of bodies, trustees etc.
- (ii) Director, Town and Country Planning- recommendation
- (iii) Ministry of Local Government (for County Councils applications)

(d) If favorable comments are received, the recommendations of all Government agencies together with those of the Commissioner of State Lands are collated and sent to the Ministry of Housing and settlements for the preparation of Cabinet Note.

(e) The survey of the parcel is executed. The survey can be done by Government or private surveyors according to the discretion of the Director of Surveys or Cabinet directive. If survey is to be done by a chosen private surveyor, the organization will bear the cost of the survey. Director of Surveys issues the survey order to the chosen surveyor.

(f) Survey plans are to be submitted for approval by the Director of Surveys for parcels being reserved (Cemetery and Recreation Grounds) and a Government surveyor will undertake the survey.

(g) For case where leases are to be prepared, eight (8) survey plans are required- two (2) originals and six (6) copies.

(h) One original and six (6) copies of the survey plan together with Cabinet Minute are forwarded to the Solicitor General for preparation of agreements. Where fees are to be paid, proof of payment by the applicant must be shown to the Chief State Solicitor before execution of lease.

(i) The Chief State Solicitor sends the leases to the Commissioner of State Lands for his signature. The applicant is then invited to sign the lease. The Chief State Solicitor then

sends to the Commissioner of State lands a copy of the Registered Lease which is lodged in the vault of the Commissioner of State Lands.

(j) The Commissioner of State Lands instructs the Revenue Officer of the relevant District to collect all relevant taxes, Example: Building taxes and rent. The Revenue Officer also receives a copy of the lease.

(k) Terms and conditions of such Leases are as follows:

- (i) Lease to be for a period of thirty (30) years with an option of renewal for a further period of thirty (30) years.
- (ii) A peppercorn rental of \$ 1.00 per annum
- (iii) The building to be erected within two years of the execution of the lease
- (iv) All legal and survey expenses to be borne by the Lessee.
- (v) Other terms and conditions as are usual in the lease of this nature

Non- Profitable Organizations may include the following:

- (i) Village Councils
- (ii) Clubs
- (iii) Lodges
- (iv) Girl Guides, Scouts, Cadets
- (v) Red Cross Society
- (vi) Religious Bodies

Land Uses Involved

- (i) Recreation Ground
- (ii) Cemetery
- (iii) Community Center
- (iv) Churches/Temples/Mosques

Note: Recreation Grounds and community centers are reserved and under the jurisdiction of regional corporations.

Co-operative Society

- (i) Steel Orchestra

14. Procedure for Renewal of Leases

The Commissioner of State Lands is responsible for the processing of renewals of leases issued for housing, agricultural and industrial/commercial purposes/non-profit organizations.

14.1. Housing

- (a) These leases may be renewed before the date of expiration of the lease.
- (b) The rents for the new lease are determined. This is done in one of two (2) ways i.e. by exercising the option to renew or by issuing a new lease.
- (c) Housing leases are usually given for a term of thirty (30) years with an option to renew for a similar term of thirty (30) years. This is stated in a particular clause of the old lease which specifies the rental at the time of renewal.
 - (i) Rents may remain the same
 - (ii) Rents may be a stated percentage (%) of the original rentals
 - (iii) Rent review required
- (d) A new lease is issued when:
 - (i) The tenant has not exercised his option to renew as detailed at (a).
 - (ii) The total sixty (60) years has expired (i.e. the initial thirty (30) years plus the renewal term thirty (30) years.
 - (iii) The original lease contained no clause of option to renew. In this case the lessor (Commissioner of State Lands) reserves the right to determine the new rentals. Therefore the advice of the Commissioner of Valuation is sought.
- (e) Site inspection is done by the Inspector of Lands to determine whether any breach has been committed. A report is submitted.
- (f) The tenant is asked to acknowledge acceptance of new rents in writing.
- (g) Matter sent to Cabinet for renewed approval.
- (h) Upon receipt of all necessary documents the Commissioner of state Lands submits these along with instructions to the Solicitor General for preparation of the new lease.
- (i) The required six (6) copies are made and sent for the necessary signature of the Commissioner of State Lands and the tenant.

14.2. Procedure for Renewal of Agricultural Leases

Although the procedure for renewal of agricultural lease is the same as that of housing, the following minor differences should be noted.

- (a) Agricultural Leases may not be renewed before date of expiration of the original lease.
- (b) Term of the Standard Agricultural Lease is thirty (30) years duration with option to renew for another term of thirty (30) years.
- (c) Renewal of the Lease at the end of the initial period of thirty (30) years will require a fresh valuation by the Commissioner of Valuations.
- (d) Field inspection is done by agricultural officers-Regional Office (North or South) and report submitted.
- (e) It is the responsibility of the Director, Land Administration Division of the Ministry of Agriculture to take the matter to Cabinet.
- (f) In the case of a breach (e.g. erection of a house) the plot is excised and a new lease issued for housing as directed by the Town and Country Planning Division.

14.3. Procedure for Renewal of Industrial/Commercial Leases

The steps are the same as for renewal of housing leases.

14.4. Procedure for Renewal of Leases to Non-Profit Organizations

These are dealt with individually, according to the dictates of the original lease. The procedure is similar to the renewal of leases for housing.

15. Procedure for Assignments

The Commissioner of state Lands is responsible for the processing of all assignments. Assignment/Transfer of the unexpired residue of a lease would be permitted. A parcel may be assigned in any of the following ways:

- (i) Deed of Absolute Assignment from one lessee to another
- (ii) Deed of Mortgage
- (iii) Deed of Gift
- (iv) Upon death of the tenant- with or without a Will

15.1. Deed of Absolute Assignment

According to Memorandum dated June 12, 1989, there may only be absolute assignment of parcels leased for residential purposes. An absolute assignment of a parcel leased for agricultural purposes may only be granted by Cabinet.

- (a) The applicant is expected to furnish the following:

- (i) A written application to assign
 - (ii) Rent receipts showing up to date payments
- (b) The Commissioner of State Lands checks for completeness and corrections of the information supplied and for completeness in title (no break in title).
- (c) Consent form is prepared by the Division and signed by the Commissioner of State Lands.
- (d) The Deed of Assignment is prepared by the applicant's legal representative and a copy is submitted to this Division for the records.

15.2. Procedure for Transfer of Agricultural Lands

As for agricultural lands the procedure for transfer is as follows:

- (a) Requests for transfer should be made by letter to the Director of Land Administration through the Regional Director
- (b) The incoming lessee will submit an application on Form A, and must meet all the selection criteria applicable.
- (c) A Parcel Progress Record on the parcel, including status of rent payments, will be prepared and a recommendation made by the County Officer.
- (d) The request for Transfer letter, affidavit, Application Form 'A' Parcel Progress Record with the recommendation of the County Officer is forwarded to the Regional Director.
- (e) The in-coming Lessee is interviewed by the Tenant Selection Committee and a recommendation made. In the event the proposed incoming lessee is found to be unsuitable, the request for transfer will be refused.
- (f) The Director, Land Administration Division will prepare a Draft Note for Cabinet approval.

15.3. Deed of Mortgage

The procedure is the same as for 15.1.

Any type of leased land may be mortgaged but the mortgage must be in favor of a financial institution and not an individual. A consent to mortgage is prepared by this Division and signed by the Commissioner of State Lands.

Power of sale may be exercised by the financial institution when a property is seized for non-payment of monies owed.

Before the consent to mortgage may be made up, the office of the Commissioner of State Lands must have

- (i) A copy of Deed of Lease
- (ii) A copy of the agreement for sale between the vendor and the purchaser, if any
- (iii) The name of the Mortgager (Financial Institution)

15.4. Deed of Gift

Same as with deed of absolute assignment

15.5. Upon Death of Tenant

The procedure is the same as before. The following additional documents must be brought in:

- (i) Letters of Administration or Probate of Will
- (ii) Inventory
- (iii) Registered copy of the Will
- (iv) Up to date rent receipts

If lessee dies interstate, all of the above must be submitted with the exception of the Will. In this case, the legal personal representative may request that the transfer be made in his name. The procedure is the same.

The assignment of Commercial/Industrial Leases follows the same guidelines as those for housing assignments

16. Procedure for Change of Use from Residential to Commercial

- (a) Application is received requesting a variation of the lease from residential to commercial. The application is acknowledged.
- (b) The views of the Director, Town and Country Planning Division are invited.
- (c) If the comments are favorable to the applicant, the Commissioner of valuation is requested for the new rental charges.
- (d) The rental charges advised by the Commissioner of Valuations are sent to the applicant who is asked to inform this office of his acceptance or not of the new charges.

- (e) Cabinet approval is required for change of use from Residential to Commercial
- (f) The rental is 5% of the market value. See Cabinet Minute #64.
- (g) If the applicant is agreeable to the new charges, the Solicitor General is requested to prepare a variation of the lease.

Note: Applications received for other types of change of use are handled in a similar manner.

17. Procedure on Receipt of Lease from Chief State Solicitor

The officer in charge of leases, on receipt of the lease from the Chief State Solicitor sends a Memo to the relevant District Revenue Office to collect the rent on the lease as determined. The lessee is informed to collect the lease document. The lessee has to show proof that he has paid the rent due to the Revenue Office and also has to pay a Processing Fee to the Commissioner of State Lands on the following basis.

Residential	\$ 200
Agriculture	\$ 100
Industrial	\$ 500
Commercial	\$ 500

In the case of leases for lands vested in the National Housing Authority, one copy of the lease is sent for their records. Office copies of these leases are bound and kept in alphabetical order and with an Index. If there is a subsequent change of lessee through gift, transfer etc. cross-reference is given to identify the new lessee of the property and to enable location of the lease. A copy goes to the Drawing Office of the Surveys Section to enable them to make note of the lease number in their plans, so that all plans will have a cross reference to the particular lease. Building Plans on state land too have to be referred to the Commissioner of State Lands and approval obtained as it is necessary to determine beforehand whether the lessee has contravened any of the Terms and Conditions of the Lease during the interim period. An amount of \$ 250 is charged for processing such applications.

The officer in charge of leases also looks at leases sent back by the Chief State Solicitor to ascertain whether there are any errors. If there are errors of a material nature, such leases are sent back for purposes of rectification, as they have already been registered. However, such errors as wrong revenue office address is corrected through administrative action and referred to the relevant office.

18. Procedure for Issue of Sand and Gravel agreements

The division has a significant role to play in the issue of sand and gravel agreements for purposes of quarrying.

The following procedure should be followed.

- (a) Applications are received by the Ministry of Energy. Any application received in this office should be forwarded to the Ministry of Energy together with a status report and the views of the Division.
- (b) The Ministry of Energy then consults other relevant bodies on the matter.
 - (i) Forestry Division
 - (ii) Drainage and/or Highways Division- Ministry of Works and Transport
 - (iii) Town and Country Planning Division
 - (iv) Water Resources and
 - (v) Other Agencies
- (c) The Quarries Advisory Committee (QAC) made up of representatives from bodies approved by Cabinet meets to discuss all applications.
- (e) The matter is taken to Cabinet by the Ministry of Energy for final agreement based on the advice of the Quarries Advisory Committee.
- (f) Upon issue of a Cabinet directive, the Surveys Division is instructed to issue a survey order for survey of parcel-usually a private surveyor hired by the tenant.
- (g) Upon receipt of survey plans, one original and three copies are made by this Division on a Standard Sand and Gravel Agreement. A plan of the parcel accompanies each of these copies and an additional plan is held in the Lands and Surveys vault records.
- (h) The Agreements are signed, executed and issued-one copy to each of the following:
 - (i) The relevant file in the Lands Division
 - (ii) The Ministry of Energy
 - (iii) The District Revenue Office
 - (iv) The tenant

Note:

1. At present the Sand and Gravel Agreements being issued will expire at the end of the year.
2. The required royalty/cubic yard to be paid to the District Revenue office is stated on the existing form of the agreement. Should this be calculated to be less than a stated monthly minimum, only the minimum is required to be paid. The checks necessary to ascertain the royalties due are executed by the District Revenue Office.
3. The Sand and Gravel Agreement is NOT transferable.

18.1. Procedure for Issue of New Agreements

- (a) Sand and Gravel Agreements are usually issued for the term of one year.
- (b) Throughout the duration of the Agreement monitoring of the mining practices is done by the Ministry of Energy.
- (c) A fresh agreement has to be entered into to carry out operations at the end of the term of one year, if the operation continues at the same location.

18.2. Royalty on Quarries, Sand and Gravel Pits

- (a) Royalty from Quarries, Sand and Gravel Pits vary in accordance with the level of operations. The criteria for assessment are outlined under the terms and conditions set out in a “Sand and Gravel Agreement” made between a quarry operator and the Commissioner of State Lands.
- (b) A minimum monthly royalty based on the production of 4,000 cubic yards and royalty to be assessed on such quantum.
- (c) A royalty system is as follows:

A royalty of 10 percent of the value of the mineral won valued at the point of sale (for example, in the case of gravel this could be 10 percent of the controlled price of \$20.00 per cubic yard, i.e., \$2.00 per cubic yard)

- (d) The quantum of royalty should be reviewed from time to time in order for the State to optimize revenue.
- (e) Whenever possible and in order to improve the quality of material, quarry concessionaires should be required to install washing and grading plants.
- (f) In order to facilitate financing, the present system of annual licenses should be replaced by short-term leases.

18.3. Procedure for the Allocation of New Quarry Blocks to Applicants other than Ministries

- (a) A license issued by the Ministry of Energy will be required to conduct all quarry operations on State Lands.
- (b) The grant of the license with respect to the right to the quarry materials on State Lands will be subject to a procedure of competitive bidding.

- (c) When the Ministry of Energy and the Commissioner of State Lands have determined an area subject to competitive bidding, a public notice shall be issued to that effect and such notice shall be published in at least one (1) daily newspaper circulating in Trinidad and Tobago.
- (d) The notice shall, in respect of each area declared to be open for competitive bidding, specify the geographical description, the period during which the bids may be presented and any other conditions and details which the Minister may consider proper for the purpose.
- (e) The Minister may, at his discretion, make a non-refundable charge for any relevant information or data packages supplied by him.
- (f) A person wishing to participate in the bidding shall submit his proposals to the Chairman of the Quarries Advisory Committee in the form and within the period provided for in the notice. Every application for a license shall be submitted in the application forms available in the Quarries Unit of the Ministry of Energy.
- (g) The Chairman of the Quarries Advisory Committee shall, where relevant, forward the documents to the Quarries Unit to enable the necessary investigations to be done.
- (h) The Quarries Advisory Committee shall then examine the proposals and recommend therefrom to the Minister of Energy the most appropriate proposals.
- (i) The Minister shall then forward his recommendations to Cabinet for final approval.

It should be noted that abandoned quarries will be allocated through the competitive bidding process.

8.4. Procedure for Applications by Government Ministries and/or any Quasi-Government Agencies to operate Quarries

- (a) Any government Ministry that wishes to conduct quarry operations on State land shall require a license in order to do so.
- (b) Applications detailing specifications of the block required shall be submitted to the Chairman of the Quarries Advisory Committee. Application forms shall be available in the Quarries Unit of the Ministry of Energy.
- (c) The Chairman of the Quarries Advisory Committee shall forward the information to the Quarries Unit for investigations to be done.
- (d) The Quarries Advisory Committee shall then examine the applications and make its recommendation to the Minister of Energy.
- (e) The Minister will submit his recommendation for final approval by Cabinet.

(f) The Commissioner of State Lands will on Cabinet approval issue a license.

18.5. Procedure for Applications for the Renewal/Regularization of existent Operators other than Ministries of Government

In accordance with Cabinet Minute 3063 of November 28,1996 quarrying operations on State lands shall be renewed for a period of one (1) year provided that:

- (a) such quarrying operations have been ongoing since January 1, 1996.
- (b) All outstanding royalties have been paid.
- (c) Exhausted acreage has been rehabilitated to the satisfaction of the Ministry of Energy, Environmental Management Agency, Town and Country Planning Division, and Lands and Surveys Division.
- (d) Mining plans for the renewal period have been submitted and approved by the Ministry of Energy.

18.6. Procedure for Applications for the Regularization of Quarry Operations by Government Ministries and/or Quasi-Government Agencies

The Ministry of Agriculture and the Ministry of Works, including the Tobago House of Assembly and any quasi-government agency which have been operating quarries will be required to comply with the following guidelines. As was intended in Cabinet Note (96) 98 the procedure outlined for existent operators as described above will also apply to quarrying operations by Government Ministries. Thus, quarrying operations shall be renewed for a period of one (1) year provided that:

- (e) Such quarrying operations have been ongoing since January 1, 1996.
- (f) All outstanding royalties have been paid.
- (g) Exhausted acreage has been rehabilitated to the satisfaction of the Ministry of Energy, Environmental Management Agency, Town and Country Planning Division, and Lands and Surveys Division.
- (h) Mining plans for the renewal period have been submitted and approved by the Ministry of Energy.

18.7. Procedure for Issue of Licenses for Quarries on Private Lands

Town and Country Planning Division will continue to handle these applications. However, in order to expedite matters, application forms should be submitted to the Ministry of Energy and to Town and Country Planning simultaneously.

19. Procedure for Land Reclamation

Reclamation is governed by Sections 3(1), (2), (3) of the State Lands Act, wherein the authority to issue licenses is vested with Commissioner of State Lands. In 1984, due to large number of illegal reclamations that were taking place, the Cabinet decided to

appoint a multi-disciplinary committee. In 1998, the Cabinet decided to disband this committee and entrusted the responsibility to the West Coast Master Plan Committee. This Committee comprises of the following:

- (i) Chairman, INPPC (Chairman)
 - (ii) CEO, UDCOTT
 - (iii) Chairman, Town and Country Planning Advisory Panel
 - (iv) Director, Town and Country Planning
 - (v) Commissioner of State Lands
 - (vi) Environment Authority
 - (vii) Institute of Marine Affairs
-
- (a) All applicants will be required to fill out the official application form to ensure all relevant data is available. This procedure also applies to applicants who have commenced reclamation works without a proper license, or whose licenses have expired, and cases where the reclamation works have been completed without a valid license.
 - (b) The returned application form is presented at the Committee Meeting for consideration.
 - (c) Where any member raises a fundamental query which indicates that reclamation in the area is unlikely to be approved, the query will be dealt with as a preliminary issue.
 - (d) Inputs from the Town and Country Planning Division, the Institute of Marine Affairs, Hydrographic Unit, Harbor Master and the Drainage Division will be required. They will take into account the ecosystem, water circulation, drainage, erosion, siltation, navigation, disposal of waste, dumping at seas etc.
 - (e) If as a result of the initial assessment of the application, the Committee is of the view that there is no preliminary objection to the proposal, a more in-depth study of the application will be undertaken.
 - (f) The applicant is then requested to submit an outline application to Town and Country Planning Division, Ministry of Housing and Settlements for development of the site which is the subject of the application for a reclamation license.
 - (g) If the proposal is acceptable to the Town and Country Planning Division, outline planning permission is granted for the use of the site to be reclaimed and for carrying out of engineering operations subject to the obtaining of a reclamation license.
 - (h) Where more than one reclamation is to take place in an area, the Committee will use a comprehensive approach to ensure compatibility among all reclamation.

- (i) On favorable consideration by the Committee, the Commissioner of State Lands forwards the application to the Permanent Secretary, Ministry of Housing and Settlements for Cabinet approval for a Reclamation License.
- (j) All applicants will be required to indemnify the State against any claim for damages relating to or flowing from the reclamation or subsequent use of the lands.
- (k) The license fee will be at a rate of 0.1% of the estimated capital value of the freehold interest in the lands as reclaimed, per annum, subject to a minimum of \$5.00 per acre and \$250 for the entire area covered by the license.
- (l) The fees for a renewal of a license will be at a rate of 25% higher than on the grant of the previous license.
- (m) On receipt of Cabinet approval, the Solicitor General is requested to prepare the license. All licenses should contain the full details of the interest which the lessor is prepared to grant to the licensee in the lands to be reclaimed on the completion of reclamation to the satisfaction of the lessor and his agents, and the terms and conditions (including the charges) for such grant. The charges for the grant of a lease or other tenancy on reclaimed lands be based on the difference of:
 - The estimated open market value of the lands as reclaimed together with other lands (if any) to be used in conjunction with the reclaimed lands less the open market value of the other lands (if any) and
 - The estimated cost at the time of the grant of the license of executing all works required as at that time for the reclamation to the satisfaction of the lessor and his agents, or 60% of (1) above whichever is the lesser.
- (n) The cost of unauthorized reclamation (i.e. no license) will not be considered in determining the premium to be charged for the lease.
- (o) The applicant on receipt of his license is required to submit final designs, plans and drawings for planning permission. Plans submitted must conform to conditions of outline planning permission.
- (p) On completion of reclamation in accordance with terms and conditions of the license, the applicant is required to apply for a lease of the land which has been reclaimed.
- (q) The lease is issued to the Company or individuals for specially designated purposes. These leases are the same as dealt with before - Agriculture, Housing, Commercial/Industrial, Non-profit Organizations and therefore follow the same guidelines.
- (r) Lease will be granted after reclamation at charges based on the estimated value of the lands as reclaimed, and the estimated cost of reclamation at the time the license is

granted. Where the license is renewed, the State will have the right to revise the estimated value of the lands reclaimed and the charges for the grant of any lease.

- (s) The license will provide for the grant of a lease term of Ninety-nine (99) years with rent review at a nine (9) year interval. The rent for the initial period of nine (9) years will be stated in the license, and possibly also for the second period of nine (9) years).
- (t) The cost of reclamation will be set off against the rent payable under the initial nine (9) years of the lease. If the entire cost is not exhausted, the rest will be set off against the second nine (9) year intervals. No further set off will be recommended by the Committee, but Cabinet will be expected to allow further set off in exceptional cases where it is of the opinion that it is in the national interest.

20. Procedure for Vesting of State Land

State land may be vested in any State organization. This is done in one of two ways.

- (i) Act of Parliament (Ex. Port Authority Act, Chaguaramas Development Authority Act)

The Act should provide for a Vesting Order to be issued by the President transferring to and vesting in the Authority all or any part of the land identified. Generally, the Act also provides for the President to make an Order divesting the Authority of any lands vested in the Authority and in such a case the land to which the Order relates shall re-vest in the State subject to any rights or interests accruing to third parties from any disposition or other dealing in land by the Authority. Some Acts provide for a Schedule giving the boundaries of the land and with the area shown as delineated on a plan filed in the vault of the Surveys Division. This Plan is prepared showing area vested, using Ward or Topo Sheets and in other cases, the Act describes the parcel (no plans).

- (ii) State Grants

- (a) The Ministry requiring the land makes a request for same.
- (b) Description of the land to be granted is issued by the Surveys Division
- (c) The matter is taken to the Cabinet by the interested Ministry.
- (d) Upon receipt of cabinet approval, a survey of the lands to be vested is executed.
- (e) A request is made by the Division :
 - (i) to the Commissioner of Valuations for a valuation report
 - (ii) to the Board of Inland Revenue for computation of Stamp Duty
 - (iii) to officers of this Division for the computation of monies to be paid to the Assurance Fund according to R.P.O.-rate 1c/\$4.80 of the consideration

It should be noted that the Cabinet cannot waive the payment of the value, the payment to the Assurance Fund or the Stamp Duty as determined in the case of vesting of lands in the Airport Authority of Trinidad and Tobago.

- (f) Applicant is informed of all the above charges.
- (g) Upon receipt of acceptance in writing, two original State Grants are prepared by this Division and forwarded to the Solicitor general for vetting.
- (h) These are sent first to the President and then to the Commissioner of state Lands for their respective signatures.
- (i) The diagram or plan must be approved by the Director of Surveys before forwarding to the President.
- (j) Applicant pays all monies due
- (k) Document registered by the Registrar General.

The National Housing Authority by Cabinet Minute 428 dated March 2, 1989 and Minute 1813 of October 1, 1987 may have lands 'vested' in the Authority for housing purposes. The procedure for issue of land to this authority is actually a long-term lease under the terms and conditions stated in the above mentioned Minutes.

21. Procedure for Land Acquisition

The acquisitions unit established under the Lands Section is charged with the responsibility of implementing the provisions of the Land Acquisitions Act No. 28 of 1994. This Act enables the State to take possession of private land from its owner by way of a compulsory acquisition and pay compensation for the property. Alternatively, the State, may acquire the desired land by a private arrangement with the owner. This is referred to as the private treaty acquisition, under the 'shadow' of compulsory acquisition so that the benefits spelt out under the Act are granted to the private owner as if it were a compulsory acquisition.

The following Ministries or bodies can initiate proceedings for the acquisition of private lands:

- (i) The Commissioner of State Lands of the Ministry of Housing and Settlements
- (ii) Ministry of Works and Transport
- (iii) The City, Borough or County Councils- by Section 50 of the Land Acquisition Act, these bodies may pass resolutions for the acquisition of lands for roads and recreation grounds. The resolutions are sent to the office of the Commissioner of State Lands.
- (iv) Town and Country Planning Division (Town and Country Planning Act provides for compulsory acquisition under the Land Acquisition Act for lands required for planning purposes
- (v) Port Authority under the Port Authority Act Section 9(2)(d) to acquire real or personal property rights

(vi) Highways Authority under Sections 118 and 120 of the Highways Act is empowered to acquire compulsorily, land required for the construction of a main road.

The procedure is as follows:

(a) The party initiating proceedings, the State Agency which requires land furnishes information relating to:

- (i) the purpose for which the land is required
- (ii) a location on the Ward Sheets of the parcel of land

(b) The Commissioner of State Lands sends memoranda to the office of Director Town and Country Planning to obtain outline planning approval of the Town and Country Planning Division for intended use

(c) The Division also requests an approximate value (only an approximate area is available from the sketch) of the unencumbered freehold interest from the Commissioner of Valuations.

(d) The Commissioner of State Lands requests through the Ministry, the approval of the Cabinet to pursue compulsory acquisition

(d) If Cabinet approves, Section 3 Notice is published which allows the State to enter the property to undertake tests and cadastral surveys. The Secretary to the Cabinet uses information in the cabinet Note for the publication of the necessary notices under Section 3 and 4 of the Land Acquisitions Act. The Section 3 Notice describes the land to be acquired and giving the approximate value of same. The Section 4 Notice authorizes the commencement of work without formal vesting of the lands in the State.

(e) If the tests show that the land is not suitable, Section 8 Notice is published abandoning the acquisition.

(f) If the land is found suitable, Section 4 Notice is published which allows the State to execute the project pending formal acquisition; and for the land owner to submit claims for advance payment of compensation. He can be paid up to 80% of the Commissioner of Valuations' estimate of compensation.

(g) The relevant Ministries are informed by the Commissioner of State Lands when Section 4 Notice is published and request is made to provide information as to the date of entry onto the lands for carrying out works since compensation is calculated from that date.

- (h) The lands are then surveyed by officers of the Division of Surveys to ascertain the extent to which the parcel is affected since the area acquired is directly related to the compensation to be paid to the owner. In the case of acquisition for road works, several parcels may be involved. Some of these may be affected to such an extent that it becomes necessary to acquire the whole parcel.
- (i) The necessary survey plans are produced –two originals and six copies.
- (j) A copy of the plan is sent to the Commissioner of Valuations for an accurate value of the land. According to the Acquisitions Act, 80% of the open market value can be paid to the owner after Section 4 Notice has been published.
- (k) Section 5 Notice is published vesting the acquired lands in the State. This requires the approval of Parliament. The date of publication is the official date of the acquisition. Land owners have to submit claims to the Commissioner of State Lands for compensation
- (l) A claim of compensation must be submitted to the Commissioner of Lands not later than one year after the publication of the Notice under Section 5.
- (m) Claimants must supply proof of ownership
- (n) In a private treaty acquisition, negotiations are conducted to agree on the quantum of compensation and the provisions of the Acquisitions Act apply.

22. Procedure for Cases of Squatting/Encroachments of State Lands

The State Lands Act, under Section 6(1) charges the Commissioner of State Lands with the prevention of squatting and encroachment upon state lands and of the spoil and injury to the woods and forests on such lands.

Section 20 of the same Act provides for the procedure for ejection of such persons through the courts system.

However, in recent times, with the passage of the State Land (Regularization of Tenure) Act 25 of 1998, there appears to be a certain degree of confusion as to current government policy and approach to squatting and encroachment on state lands. The Government has to resolve this issue to enable field officers to act in terms of the law. Pending such clarification, the following interim procedure should be followed.

The Land Settlement Agency (established in 1999) is charged with the regularization of pre-1998 state land residential squatters and the development of new settlements for the landless. It is governed by the State Land (Regularization of Tenure) Act 25 of 1998 which establishes the issue of three instruments of tenure.

- (a) Certificate of Comfort

- (b) Statutory Lease
- (c) Deeds of Lease

These are to be issued in incremental fashion with a view to making tenure more accessible to the squatter and the landless population.

Under Section (17) of the Act, the Minister has approved a large number (approx. 251 locations in Trinidad) as Designated Areas without proper delineation, for the purposes of regularization and in which a squatter or tenant is entitled to a Statutory Lease and to apply for a Deed of Lease. The Act also permits the Minister to remove areas or add areas of land including land owned by a State Agency.

Under Section 27(2) of the Act, a squatter who fails to comply with a direction to relocate is referred to the Commissioner of State Lands and is liable to be proceeded against in accordance with Section 20 of the State Lands Act or the Tobago House of Assembly Act as the case may be.

The Agency accepts that it has limited capacity to detect squatting and to evict encroachers given the large number of undefined sites for which it has been given development responsibility. The Agency believes that the function of detection and eviction still resides with the Commissioner of state Lands in accordance with the State Lands Act [p. 26 Final Report – The Land Settlement Agency (LUPAP), April 2000].

It is clear that the Commissioner of State Lands continues to retain the powers of management of state lands and charged with prevention of squatting and encroachment. Therefore, action is warranted against all encroachers of State lands after January 1998.

For this purpose, the field officers should be detailed to conduct an encroachment survey and to take follow up action in areas outside those found in the schedule to the State Lands (regularization of Tenure) Act. All prosecutions for squatting and encroachment of state land should receive the personal approval of the Commissioner of state Lands.

The increase in squatting and encroachment in Trinidad and Tobago may be taken as a symptom of land hunger on the one-hand and the availability of state land to encroach upon on the other. The causes of squatting and encroachment can be summarized as follows:

- (a) Non-enforcement of existing rules and regulations and political patronage
- (b) Encouragement given by periodic regularization
- (c) Lack of employment opportunities and alternative economic activities
- (d) State-ownership of a disproportionate share of the land in relation to the actual demand by the people

Squatting and encroachment of land cannot be controlled by legislative measures alone. A vigorous policy of transferring more state land to the people appears to be a viable option available to the policy makers and managers of state land. However, it should be also recognized that all squatters and encroachers do not fall into the category of landless. A substantial proportion of squatters and encroachers appear to be not entirely landless. There are speculators who would like to grab unoccupied land for future profit. Therefore, in developing policy initiatives, the two categories have to be dealt with separately. Similarly, the existing provisions of the legislation i.e. The State Lands Act and the State Lands (Regularization of Tenure) Act have to be adhered to, and future policy determined to avoid policy conflicts.

Based on the above observations, the following guidelines are enumerated for adoption by land officers.

- (a) The Commissioner of State Lands will pursue a vigorous policy of state land distribution, particularly to cater to the demand emanating from the landless.
- (b) All squatters and encroachers in road, stream, channel, climatic and forest reservations will be evicted and a rigid policy will be adopted in evicting them.
- (c) Those who have been in occupation of forest reserves over a long period of time with no attempt made by the agency in charge to eject them, will be considered for regularization, provided such regularization can be undertaken as a contiguous block of land that can be de-reserved from such reserve, without causing irreparable damage. However, isolated squatting or encroachments in the middle of a forest reservation will be subjected to eviction.
- (d) The Commissioner of State Lands will conduct an annual survey of squatting and encroachment in lands under his charge to enable him to mount programs to counter such action.
- (e) Based on demographic pressures in each locality, incidence of landlessness, and the availability of state land, the Commissioner of State Lands will determine and prioritize areas for state land distribution.
- (f) All attempts should be made in the case of the landless, to relocate them prior to any action to evict them.
- (g) Where relocation is done, the Commissioner of State Lands will provide the mechanisms to prevent re-encroachments on the same land.
- (h) All squatters and encroachers, who have over the years developed the lands they occupy through individual initiatives, may be given such lands on a long-term lease. However, such regularization will be resorted to only if

occupation of such lands is not in conflict with planning requirements and long-term interests of the region and the country.

- (i) Eviction of new encroachers should be quick and prompt and all officers should ensure early detection of squatting and encroachment through the field staff.
- (j) Squatters and encroachers of state land will be considered ineligible to receive state land in the future and such disqualification will be publicized through a program of public education and publicity through the national press. The Commissioner of State Lands will periodically conduct such programs.
- (k) The Government and other agencies managing state land will launch a public education program that squatting is not considered as an acceptable means of acquiring land and that those who resort to such acts would be treated as any other engaging in unlawful activity. Such individuals should bear the consequences of their actions and the Government will not hesitate to take adequate measures to prevent such incidence, and to punish those involved, in terms of the provisions of the law.
- (l) The Commissioner of State Lands should complete the regularization program in respect of lands under his charge, with the least possible delay, so that regularization of squatters and encroachers will not become a permanent feature in the administration and management system. Any protracted delay will be detrimental to attempts at rationalization of land use.
- (m) Squatters and encroachers of state land who do not fall into the category of landless will be evicted. However, if the investments made by this category of squatters are substantial and are in conformity with planning and zoning requirements such lands will be regularized on payment of current market value of land and a penalty for illegal occupation.
- (n) All agencies that have been established by statute for the management of State lands, will be requested to bring amendments to their respective pieces of legislation to empower them with the responsibility to proceed with eviction of encroachers and squatters with relative ease and without undue delay.
- (o) The State Lands (Regularization of Tenure) Act No. 25 of 1998 will be amended to eliminate existing policy conflicts, discourage squatting on state lands, make known that the Government does not subscribe to squatting as a means of land acquisition.

22.1. Procedure for Applications for Relocation/ Eviction made by Government Agencies

The Commissioner of State Lands is requested by various governmental authorities to effect relocation or to undertake involuntary resettlement on lands that have been encroached upon. It is necessary to provide guidelines in this regard. Some of these requests may emanate from the legislative framework under which such authorities have been established. For example, the State Land (Regularization of Tenure) Act casts the responsibility of ejection on the Commissioner of State lands, in the event the squatter refuses to relocate to the site selected for the purpose. The Forestry Act also confers the power of ejection on the Commissioner of State Lands for squatters within forest reserves.

However, no ejection or relocation should be attempted unless the following factors are satisfied. They are:

- (a) Commitment of the Authority/Agency requesting such relocation/eviction
- (b) Capacity of the Commissioner of State Lands to implement such decision
- (c) Legislative framework which provides unambiguous authority, recognized by the law and the courts system
- (d) Comprehensive planning
- (e) Development program
- (f) Community involvement and
- (g) Adequate resettlement costs and funding provided by the agency requesting relocation and ejection.

23. Procedure for Collection of Revenue

The Commissioner is also charged with the collection of the rents of lands that belong to the State. The total arrears of revenue as at 30/9/1998 reflected in the Revenue Estimates of the Lands and Surveys Division is 14,761,388. This clearly shows that there is a large loss by way of revenue to the Government. There is also a very wide variance between the actual revenue collected in 1997 and 1998 and the estimated revenue for 1998/1999 and 1999/2000 as depicted below.

1997 Revenue Actual	Actual Revenue 1/1/98-30/9/98	1998/1999 Revised Estimate	1999/2000 Estimate
3,386,289	2,514,387	7,887,960	8,892,872

Unfortunately, no serious attempt has been made in the past to determine the rent due on leases annually, and to collect them through the District Revenue Offices, thereby causing loss of revenue to the Government.

The Lease Management System that is being installed, provides information as to the number of leases issued, their dates of renewal, whether rental has to be reviewed at regular intervals and such other data. All Land Officers should study the working of the

Lease Management System and regularly obtain extracts of the cases that are due for renewal each year. Follow up action is required. The procedure is as follows:

- (a) Determine the number of lessees and the dates of renewal, in the Counties for which each Land Officer is responsible by obtaining an extract from the System Manager of the Lease Management System
- (b) Send out standard forms requesting renewal to all such lessees, three months in advance.
- (c) Determine the number of lessees who have not renewed their leases at the appropriate time and send out Notices to them separately. Follow up action on these Notices by using the Workflow Management System.
- (d) Send a copy of the computer-generated extract of lessees to the Inspector of Lands of the respective area to check whether the lessees have paid their dues to-date or not. This has to be done whether the lease is due for renewal or not, so that the Government can collect all outstanding rents.
- (e) Ensure that Rent Roll Notices (Arrears of Rent) are issued in all cases of default. Rent Roll Notices should also include a clause that all future arrears would be charged with interest, at prevailing Bank rates from the date reflected in the Notice.
- (f) Obtain an extract of the leases in each of the counties where a review of rentals have to be undertaken and refer such cases to the Commissioner of Valuations for new valuation. Follow up action on these by using the Workflow Management System.
- (g) Issue Termination Notices to all lessees who have not responded within a period of three months.
- (h) Issue Repossession Notices on those who have not responded to the Termination Notices.

24. Procedure in using the Workflow Management System

A computer supported Workflow Management System is being established to provide the Commissioner of State Lands the basic information he needs to track progress. The activities that involve state leases/grants and acquisitions generate correspondence and liaison with multitude of agencies.

The objective of the Workflow Management System is to develop the ability to track down the progress made at any given time, in any of the applications made by the public or initiated by the Commissioner of State Lands himself. It helps in tracking or registering the progress of an application without an exhaustive search of the files. The information content of this database has to be studied by all Land Officers and made use of at regular intervals to track progress of cases and applications made. The procedure is as follows:

- (a) The Workflow Management System has computerized data on the last three actions undertaken on each of the pending cases. Obtain an extract of the pending cases to determine what action needs to be followed up.
- (b) Send Memorandum to the respective agency to furnish report. Send information on the date such report was requested on the Data Entry Card provided. This information should be regularly sent to the System Manager, so that the Data Entry Clerks can enter data. Also send faxes at regular intervals by way of reminders.
- (c) The System Manager will furnish an extract of all reports that are due and have exceeded a time period of over a month. Follow up such cases by calling the respective agency and also by sending an extract of cases delayed over a month under the signature of the Commissioner of State Lands.
- (d) When reports are received from agencies, such data should be furnished to the System Manger on the Data Entry Card provided. Failure to do so will result in incorrect information being maintained in the computerized system. All Land Officers should bear responsibility for this aspect of the work. A random check will be conducted by a senior staff officer to check whether updating of data is being carried out regularly.

25. Procedure for Development and Implementation of Annual Plan of Operations

The Commissioner of State Lands will prepare an Annual Operations Plan based on the data generated by the Lease Management System and the Workflow Management System and monitor its implementation.

The Commissioner of State Lands together with his Deputies and Land Officers will prepare this plan at the very beginning of each year based on the data provided by the Management Information System and from the experience gained over the years on the number of new leases processed. The Lease Management System would provide the Commissioner with accurate data on the number of leases due for renewal etc. and such data would provide valuable information for planning purposes. Similarly, the Work Flow Management System would provide data on the number of applications that are being processed. Data provided by these two systems would be more than adequate to determine targets for the Annual Plan. Each Land Officer is expected to gather this information and forward it to the Commissioner of Lands at the beginning of the year. Such data once collated should be apportioned on a monthly basis to determine monthly targets.

The following may be used as Annual Targets of the Program:

- (i) Number of New Leases to be issued for the year
- (ii) Number of Renewals and other tenancy agreements
- (iii) Target for Assignments, Transfers, Assignments, Mortgages(Approx.)

- (iv) Target for regularization of breached tenancies
- (v) Target for preparation and registration of State Grants
- (vi) Target for approval of Building Plans
- (vii) Target for Acquisition of private lands for public purposes
- (viii) Number of Licenses issued (later releases of state land)for Mines, Quarries and for Land Reclamation
- (ix) Quantum of revenue expected to be collected within the year
- (x) Number of land disputes resolved
- (xi) Number of advisory, re-possession, termination and rent-roll notices issued

(a) Each Land Officer should develop indicators to ascertain efficiency of his/her part of the work. The following are some guidelines in developing these indicators:

- (i) Forms of Coordination and effectiveness with other participant agencies
- (ii) Quality and comprehensiveness of information collected on program implementation
- (iii) Speed with which new leases and renewals of leases are effected, approval for assignments, transfers, mortgages are given and financial information obtained and reports prepared.
- (iv) Achievement of financial goals (recovery of rents, processing fees, royalties etc.)
- (v) Quality of the reports

26. Procedure for Performance Appraisal

Staff officers should use a more realistic performance appraisal system for the staff that relates to the quantum of work performed during a given period. Such an appraisal system would facilitate the proper completion of Sections B, C, D, E and F of the Public Service Annual Performance Appraisal Report (Confidential Form P.A.003). The Commissioner of State Lands will develop a quantifiable performance appraisal system to evaluate work of officers, with established norms determined in consultation with staff. This performance appraisal system should be used by apportioning a monthly target of work under each of the programs to every officer. Such targets should cover Land Officers, Inspectors of Lands, Clerical staff assisting Land Officers and other supporting staff.

27. Procedure to Establish Communication and Linkages

Each Land Officer should establish a healthy rapport with his/her counterparts in the Agencies that he/she has to liaise with. This includes the Office of the Solicitor General, Valuation, Town and Country Planning, Registrar-General, Ministry of Energy, Land

Administration Division of the Ministry of Agriculture, and other similar agencies. Special mention is made for the need to work closely with the Director of Land Management Services of the Tobago House of Assembly. Use of telephones and faxes to communicate and to furnish information on delays is suggested. The Workflow Management System generates ample data on delays and this valuable data should be used to speed up the process and coordinate work with other agencies.

28. Procedure for sharing of Data available with other related Agencies

The Commissioner of State Lands will work with other agencies, more particularly with Town and Country Planning Division to share the data on zoning. Such data once obtained will be made available to the Land Officers. Applications made by the public for a particular use, falling outside the identified land use should be rejected and the applicant informed. The applicant is free to make representations to the Director of Town and Country Planning for any possible variation of the determined land use.

29. Procedure for Policy Development and Review of Legislative Provisions

Under the Interim National Physical Planning Commission, four Committees have been established. They are:

- (a) National Physical Development Plan
- (b) Codes and Standards
- (c) Development Control and
- (d) National Land Policy

Land Officers should note down policy issues that emanate in the course of their duties and prepare short papers for presentation at the monthly meeting of staff officers. Such papers should provide the nature of the problem, quantify (if possible) the incidence, and provide alternative approaches available for resolution of the issues. The Commissioner of State Lands will list these papers for discussion and based on the outcome, prepare a comprehensive paper for presentation to the National Planning Commission's National Land Policy Committee. The Commissioner of State Lands will also function as the Technical Secretariat for this Committee and provide his /her observations on papers presented to the Committee by other Governmental agencies.

Land Officers are also expected to furnish information on implementation problems pertaining to legislative provisions of Acts and Ordinances that they are expected to work with. Such representations will be used in the review of legislation and regulations.

Report on Encroachment of State Lands

Part I

1. County:
2. District Revenue Office:
3. Plan No.(If known): Lot No.(If known):
4. Is the encroachment on a reservation or not? Yes/ No
5. If so, what sort of reservation?
 - (i) Stream:
 - (ii) Channel:
 - (iii) Road:
 - (iv) Other:
6. Is it earmarked/required for any State purpose: Yes/No
7. Extent of land encroached:
8. When did the encroachment commence:

Year: Period:
9. Nature of encroachment:
 - (i) Highland
 - (ii) Lowland:
 - (iii) Forest:
 - (iv) Scrub land:
 - (v) Open grassland:
 - (vi) Abandoned leased land:

Part II

Development

10. Has the land been developed: Yes/No
11. Nature of development:
 - (i) Cultivated
 - (ii) Used for buildings
 - (iii) Other
12. If cultivated, nature of the crop:
 - (i) Fruit trees
 - (ii) Seasonal food crops;
 - (iii) Vegetables
 - (iv) Paddy

- (v) Other commercial crops:
- (vi) Other:

13. If built upon, nature of the buildings:

- (i) Permanent residence/building:
- (ii) Temporary residence
- (iii) Boutique:
- (iv) Garage:
- (v) Other buildings:
- (vi) Farm animals:
- (vii) Others:

Part III

Encroacher

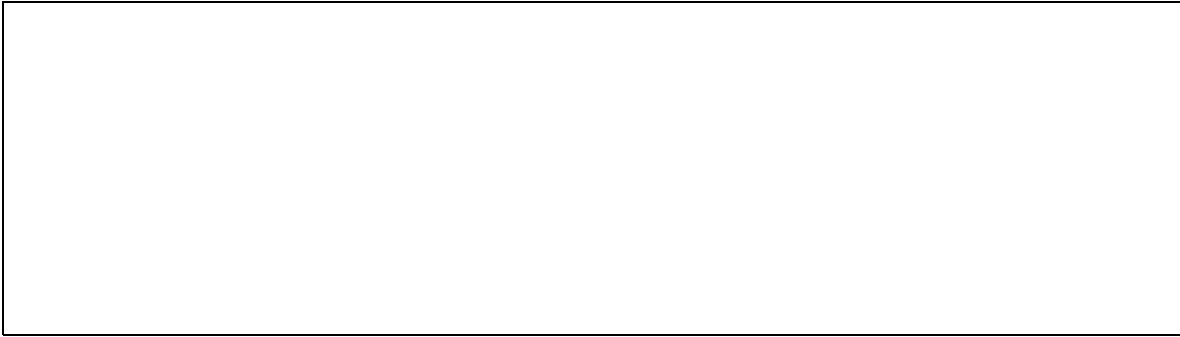
- 14. Name of encroacher:
- 15. Address:
- 16. Age:
- 17. Occupation:
- 18. Income:
- 19. Whether married: Yes/No
- 20. Whether a Citizen: Yes/No
- 21. Are there children under 21 years of age: Yes/No
- 22. Is the spouse living with the encroacher: Yes/No
- 23. Total No. in the family:
- 24. Total extent of land owned by the encroacher:
- 25. Is the encroacher resident on the land:
- 26. Where was the residence of the encroacher before coming to this land?
- 27. If the encroacher is not resident, is there any one else resident thereon: Yes/No
- 28. If the person resident is not the encroacher his:-

Name:
Occupation:
Age:
Citizenship:
Address:

29. Other useful information:

30. Access to the land from the main motorable road (please indicate in the sketch)

Sketch showing access to encroachment from the main motorable road. It would be preferable if the location can be identified in the Ward Sheet or a Sectional Sheet.

A large empty rectangular box with a thin black border, intended for a sketch showing access to an encroachment from a main motorable road.

Date.

Signature

Designation

Application Form for State Lands for Residential/Commercial/Industrial Purposes

Identification Card No. of Applicant..... or Passport No.
 Driving Permit No. of Applicant.....
 File No.(for office use only)

1. First Name.....Surname.....
2. Popular Name.....
3. Postal Address.....
4. Home Address (nearest mile mark).....

5. Place and Country of Birth	6.	Telephone No: Office..... Home.....
6. Citizenship <input type="checkbox"/> Resident <input type="checkbox"/> Non-resident	8.	Date of Birth Day Month Year
9. Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	10.	Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated <input type="checkbox"/> Divorced

11. Educational Level Years/Attainment	Primary	Secondary	University	Special Training(if any)
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12. Occupation.....

13. Name of Employer/Organization.....

14. Address of Employer/Organization.....

15. Name of Spouse.....

16. Is Spouse Employed?

- Yes Where.....
- No Position.....

17. Address of Spouse.....

18. Income (Net): (a) Employment/Business Income.....
 (b) Other Income.....
 (c) Income of Spouse.....
 (d) Total.....

19. Land Owned/Occupied	Location	Extent of Land
.....
.....
.....

20.

Location of Land (describe in detail the location of land sought for alienation, preferably identifying on a cadastral sheet):

21. Purpose for which land is sought (Residential/Commercial/Industrial).....

22. (a) Have you ever applied for State lands previously? Yes /No
 (b) Was it granted? Yes/No
 (c) If yes, where and what year?.....

23. State what capital you wish to invest on the land. Indicate how you propose to raise such capital.....

.....

.....

24. Basis on which you wish to be considered for the lease:

Select one of the following:

- Lease for 199 years by paying up front the market value of the property
- Lease for a 30 year period with renewal for further 30 years

25. I do hereby declare that the information given above is true and correct to the best of my knowledge and I am aware that any false information may result in the disqualification of my application.

.....
Date of Application

.....
Signature of Applicant

Report of the Inspector of Lands

Verification of Status as described in the Application (indicate discrepancies):

Recommendation:

Date:

Signature of Inspector of Lands

Application for Acquisition of Private Property for Public Purposes

1. Name of Ministry :
2. Name of Dept/Division/Agency for whom acquisition is proposed:
3. Whether the Minister's approval has been obtained for the acquisition:
4. Details of parcel/s of land proposed to be acquired:
 - (a) Ward
 - (b) County
 - (c) Cadastral Sheet Information
 - (d) Site Description with approx. extent, No. of parcels etc.
 - (e) Services available at site – electricity, water, telephone, motorable road etc.
 - (f) Existing use of parcel/s
5. Whether approval of the Town and Country Planning Division has been obtained for the proposed use of the land:
6. Whether funding for the cadastral survey of the land to be acquired is available:
7. Whether funds to meet the expenditure for the acquisition is available with the Ministry:

Signature of Permanent Secretary