



VIRGIN ISLANDS CROWN LANDS DISTRIBUTION POLICY REVIEW REPORT

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EXECUTIVE SUMMARY

I have been asked by the Governor His Excellency John Rankin CMG to conduct an independent review of the processes for the disposal of Crown land, to ensure that such disposals are the subject of an open and transparent process, and to consider the issues set out in Recommendation B30 of the Commission of Inquiry Report.

In conducting my review, I analysed various laws and policies, both enacted and in draft form associated with this mandate. From these documents I identified possible frameworks that can be put in place in order to effectively meet the aim of an open and transparent process relating to the disposal of Crown land.

It is envisaged that coming out of this review there will be reform in the disposal and management of Crown land. It is envisaged that there will be a Crown Land Allocation Register, Crown Land Inventory Maps that allows the public access to information about the location of existing Crown land, and the categories of said Crown land, whether commercial or residential.

The ambit of this review did not cover the disposal of Crown land as it relates to agricultural lands, whether by absolute grant or lease, nor were lands under the remit of the National Parks and Recreation Trust considered. It was, however, clear that the means and methods by which these lands are being disposed and managed are no different than the lands I did review as my remit and, therefore, the process being suggested in this paper as a way forward should be extended to these categories.

I owe much gratitude to the Ministry of Natural Resources and Labour for providing me with relevant files and information and I am extremely grateful to Joseph Smith-Abbott and Norval Young for their technical expertise.

My review has identified that many of the necessary steps required to strengthen the process of disposal have been drafted by the Ministry of



Natural Resources and Labour and that what is required is the legal framework to support these processes.



INTRODUCTION

A Virgin Islands Commission of Inquiry (VI COI) was established in January 2021, by outgoing Governor Augustus Jaspert. The completed report was presented by the Inquiry Commissioner, the Rt Hon Sir Gary Hickenbottom to Governor John Rankin on 4 April 2022. The Inquiry presented 45 recommendations aimed at the promotion of good governance.

This report represents a review of Recommendation B30, which identified issues regarding the disposal of Crown land and addresses the issues in a reformed process, that is led by the enacting of specific legislation that governs the management of Crown land.

VI COI RECOMMENDATION B30

Recommendation B30 recommends that there should be a wholesale review of processes for the disposal of Crown Land, to ensure that such disposals are the subject of an open and transparent process. The review should include consideration of:

- i. an independent body or independent bodies being established to consider applications for Crown Land disposals for domestic and/or commercial use;
- ii. the degree and nature of the involvement of members of local community in an advisory capacity;
- iii. criteria for the disposal of Crown Land for domestic and commercial use (including whether applications for domestic and/or commercial Crown Land by non-belongers ought to be entertained and, if so, the criteria for such grants), which should be both published and applied;
- iv. whether there should be any executive discretionary powers in relation to Crown Land disposals. Any such powers should only be maintained where necessary; and, where any such powers are maintained, then they should be subject to clearly expressed and published guidance.



Following this report it is envisaged that public consultations, along with internal meetings with Government authorities, will commence. It is recognised that identifying and then establishing new policies to better Crown land use will require revisions to existing policies and implementation of new legislation and regulations.

Crown Land

Approximately 33 percent of all lands in the Territory is owned by the Crown, although Anegada, North Sound (Virgin Gorda) and Salt Island Crown lands have a history of traditional use by ancestral families. Administration and management of both terrestrial and marine Crown lands is fraught with unique challenges. There exists no management plan to provide for the sound planning, management, and use of Crown lands. Crown lands must serve the public interest, whilst facilitating private, homeowner aspirations and economic development.

Some Crown land is assigned to a particular use, such as public parks and protected areas; while other parts are available for disposal and development, residential or commercial.

Over the years, with a view to making land affordably accessible to belongers, including those in need of social welfare, the Government has embarked on several land distribution and development programmes. The overarching aim of all such disposals is to clearly enhance the public good with an established Crown land management plan that provides for sound and equitable sustainable acquisition of, distribution of, and use of Crown lands. Crown land use and disposal designations ensure a level of consistency in land use and resource management as well as provide a standardised and transparent planning process.



VI COI RECOMMENDATION B30.(i)

An independent body or independent bodies being established to consider applications for Crown land disposals for domestic and/or commercial use.

As per section 41 of the Virgin Islands Constitution the Governor or Minister authorised by him has the power to dispose of property belonging to the Crown. Therefore, it is the Governor with Cabinet's approval who has the final say in whether or not to make decision on disposal.

Section 41 (1) reads:

41. (1) Subject to any law for the time being in force in the Virgin Islands, the Governor or the Minister when duly authorised by the Governor by writing under his or her hand, in Her Majesty's name and on Her Majesty's behalf, may, under the public seal, make grants and dispositions of lands or other immovable property in the Virgin Islands or interests in such property that are vested in Her Majesty for the purposes of the Government of the Virgin Islands; but any such grant or disposition shall require the prior approval of the Cabinet.

(2) The Minister shall have responsibility for administering all lands and other property referred to in subsection (1).

(3) In this section "the Minister" means the Minister charged with responsibility for Crown lands.

Applications by Individuals or via Estate Committees

Individuals

As outlined in the Commission of Inquiry's report, presently, the steps or stages that apply when disposing of Crown land are as follows:

- a) A letter containing an application to purchase Crown land is submitted to the Ministry of Natural Resources and Labour.



- b) The applicant's name is added to a file (kept for each of Virgin Gorda, Tortola, Anegada and Jost Van Dyke) of those who have expressed an interest in acquiring Crown land.
- c) The list is periodically reviewed by the Minister, who from time to time will make a recommendation to Cabinet for an allocation of land to one of the applicants when land may become available.
- d) Cabinet then considers whether to accept that recommendation in a land allocation decision.

A disposition approved by Cabinet is then sent to the Ministry for processing.

Processing involves the following stages:

- i) The Lands Unit prepares and sends a letter to the successful applicant.
- (ii) A survey is prepared by the Chief Surveyor of the Survey Unit (prior to any recommendation being made to Cabinet for approval).
- (iii) A valuation is outsourced to private companies.
- (iv) The standard transfer pursuant to the provisions of the 1970 Land Ordinance set out above is prepared and executed.

Estate Committees

Presently, there are several Estate Committees whose primary role is to select applicants for Crown land in various areas of the Territory. Where the application is made through the Estate Committees the stages are as follows:

- a) The application is first made to the Ministry. The Ministry collates the applications and passes them to the Estate Land Committee.
- b) Applications are then considered by the Estate Land Committee.



- c) The Estate Land Committee produces a report with a list of persons recommended for approval, to whom the sale or lease of Crown land may be made, and a recommendation as to the price per square foot at which disposals should be made.
- d) That report is considered by Cabinet, which will then decide whether to endorse that list and the recommended prices, in a land allocation decision.
- e) A copy of the Cabinet Extract approved by Cabinet is then sent to the Ministry for processing.

Processing involves the following:

- (i) The Lands Unit prepares and sends letters to the successful applicants.
- (ii) The standard transfer pursuant to the provisions of the 1970 Land Ordinance set out is prepared and executed.

From the Inquiry it was identified that there is no written policy that the Minister follows when awarding land. However, the unwritten criteria are that:

- (i) The applicant be a first-time homeowner,
- (ii) The applicant has a genuine intention to develop the property for residential use within a reasonable time, and
- (iii) The applicant is able to demonstrate an ability to develop the property for residential use.

The Estate Committees do, however, follow various nonstandard written eligibility criteria.

Generally, the Estate Committees criteria were prioritised as follows:



- (i) BVI Islanders who do not own land, reside in the BVI, are single parents/persons
- (ii) BVI Islanders who do not own land, reside in BVI, and are married with children
- (iii) BVI Islanders who do not own land, reside in BVI, and are married without children
- (iv) Belongers who do not own land, reside in BVI, and are married with children over the age of eighteen
- (v) BVI Islanders who do not own land, do not reside in the BVI, and have children under the age of 10
- (vi) BVI Islanders who do not own land, reside in the BVI, and are married
- (vii) BVI Islanders who do not own land, reside in the BVI, and do not have an immediate family member

RECOMMENDATION I

It is recommended that there be one central entity that is responsible for receiving and vetting applications for the use of Crown Land. A National Estate Committee may be established, if so named, to assist the Authority in the vetting of applications.

National Estate Committee

It is recommended that a National Estate Committee be established which may be responsible for receiving and vetting applications for the use of Crown lands. The Ministry of Natural Resources and Labour will no longer directly



receive applications for the use of residential land and commercial lease arrangements.

The proposed Committee, with the exception of the Anegada Advisory Lands Committee, will take the place of the various individual land committees. The proposed Committee will interact directly with the Crown Land Authority to support the land disposal decision making process.

As an independent reviewer, I consulted with the Ministry of Natural Resources and Labour and, following the draft Work Plan on the Enhanced Supervision of the Disposal of Crown Lands, recommend that the following steps be considered for implementation:

- a) Applications received by the Committee will be recorded [optional: entered into a custom Land Information System shared between the Committee and the Crown Land Authority for the purposes of managing the flow of documents and supporting information required for the disposal to be considered].
- b) Applicants are vetted based on the criteria to be established. A cover letter, to be included with each application, will describe the basis for the award of the lands.
- c) Supporting documentation such as birth certificates, bank statements, and rental agreements will be submitted.
- d) An overall report will be provided to the Crown Land Authority to support the submission of all applications.

RECOMMENDATION II

It is recommended that all of the technical departments and ministry units responsible for land management (i.e. Lands Survey, Land Registry and Valuation) remain under the Ministry of Natural Resources and Labour.



Technical Support

It is envisioned that the Ministry of Natural Resources' responsibility will be to oversee the process leading to the preparation of the technical aspects for submission back to the Crown Land Authority and, ultimately, the Governor/Cabinet. The presentation of information to support the disposal process will include:

- a) qualifying criteria to satisfy an applicant's submission,
- b) land surveys,
- c) registration information,
- d) valuation, and
- e) business plans and if needed, environmental impact assessments (for commercial applications).

RECOMMENDATION III

It is recommended that said body be completely independent from the Ministry, with the remit of managing the disposal process of all Crown land. It would be worth considering whether, through legislation, this entity can be enfolded into the Wickham's Cay Development Authority and given a broader statutory mandate. The Crown Land Authority, if so named, will collaborate with the Crown Land Advisory Committee, appointed by Cabinet, which will carry out the day-to day functions associated with the disposal of Crown land.

Crown Land Authority

The proposed Crown Land Authority ("the Authority") would monitor, control and manage the disposal process of Crown land. This new body would take over the function and duties of Wickham's Cay Development Authority and be empowered with a wider mandate. It is important to state that the Authority



would not have ownership of Crown land but instead, it would have the responsibility for monitoring, controlling and managing.

Duties of the Crown Land Authority would include:

- a) reviewing applications,
- b) carrying out due diligence on applicants,
- c) establishing the covenants and restrictive covenants to be applied to parcels of land,
- d) setting out time frames for payments and construction,
- e) establishing default procedures and communicating penalty periods,
- f) conducting valuations of parcels for the basis of the disposal price,
- g) managing of existing holders of leases and licences, including collecting rents, demanding rent, renewing, and terminating agreements,
- h) allocating, selling and leasing of Crown land, the recovery of Crown land and the enforcement of actions for breaches of leases and licence conditions, etc., and
- i) referring court proceedings.

Crown Land Authority Enforcement Powers

With a view to ensure the protection of Crown land, the Crown Land Authority should be empowered with enforcement powers and these powers should be exercised by designated officers of the Authority. Such designated officers, called Commissioners, would be empowered to:

- a) remove or demolish any structure if there is a failure to comply with notices, and
- b) remove abandoned vehicles and other materials left on Crown lands.



Any costs incurred will be recovered as a debt due to the Government from the person upon whom the notice was served.

Enforcement System

The Authority will be required to have established systems for the following:

- a) a strict schedule for the monitoring of compliance as it relates to payments, usage, and development within the prescribed timeline,
- b) policies preventing resale (flipping) etc., with clear penalties for lack of compliance,
- c) forfeiture procedures where the applicant fails to develop within the allotted period,
- d) implementation of a buy back clause where the awardee is seeking to sell his/her awarded land. If awardee sells within a specified time frame after being awarded, a penalty of 1% - 2.5% may apply. If land is sold at a profit awardee to be reimbursed only the amount of money paid to Government. The lower penalty rate will accrue to higher valued properties whilst the higher penalty will apply to lower valued ones. In this scenario Government will have first right of refusal.
- e) a review of current leaseholders to ensure that their payments are up-to-date and that they are compliant with all aspects of their agreements with the Government.

Management of Crown Lands And Leases

The Commissioner, in conducting his inquiry, did not identify the management of Crown land by the Ministry as being an area of concern. Conversely, it is clear that the process by which decisions were being carried out was not as transparent or standardised as is ideal. It can be seen that a significant part of



the management of Crown land involves, among other things, the collection of revenues from Crown leases and licence fees.

The Crown Land Authority undertaking the full management of Crown land including leases is a step that the decision makers may want to contemplate at the appropriate time.

In managing Crown leases, the Authority may carry out its mandate using several options such as:

Option 1

The Authority, having the responsibilities of the Wickham's Cay Development Authority, will continue to manage leases which have traditionally been under its control and will remit surpluses received to Government while the Ministry of Natural Resources and Labour continues to manage the existing leases and collections under its purview.

Option 2

The Authority will subsume all existing leases, including those currently managed by the Ministry of Natural Resources and Labour, and submit any excess revenue that it collects to the Government.

Option 3

The Ministry of Natural Resources and Labour may subsume all leases currently managed by Wickham's Cay Development Authority and provide a subvention to the new Authority.

Leases And Renewals

The Authority should also be tasked with carrying out a review and modernisation of leasing policies for Crown properties. It is recommended that:

- a) existing leases be renegotiated during a rent review to ensure that all rent is closer to market value, and



- b) a due diligence process be conducted by the Authority for both residential or commercial applications (including the provision of financial information).

Reclamation/Commercial Leases

The Marine Estate is comprised of the territorial waters and seabed, which are vested in the Crown and are regarded as public assets. Seabed is defined as the ground under the sea; the ocean floor.

Reclamation is defined as the act of creating new land from the sea, wetlands or other water bodies, such as ponds, through infilling.

The Crown, through its designated agent, has a duty to properly manage its Marine Estate by implementing strong management policies. Management policies need to ensure that ownership of the territorial seabed is not fragmented to the point that national economic interests and security interests are negatively impacted.

The practice of reclamation of the seabed without first seeking Government approval needs to be discouraged by action and not simply by press releases. If an individual or an entity illegally possesses the seabed and uses it for reclamation without permission, punitive measures designed to strongly discourage the practice should be exercised.

Where an individual or entity reclaims the seabed without permission and then subsequently applies for a licence or ownership, that application may be considered under the approved guidelines. However, before considering the application a punitive fee is to be assessed and paid by the offending applicant.

Application Process in Reclamation

A reclamation application should require:

- a) a valuation,
- b) a proposed development plan, and



c) environmental impact assessment

It is important that the Crown be transparent and let it be known that despite the payments of the punitive fee the Crown is not obligated to approve any application for reclamation, especially if the proposed purpose is not in the best interest of the Territory.

Turks and Caicos Islands - An Illustrative Guide

The management of Crown lands in the Turks and Caicos Islands provides good guidance on steps the Virgin Islands should consider in our reform process. It is noted that there are significant differences between the constitutional provisions for Crown land management in the Virgin Islands and those which pertain to the Turks and Caicos Islands.

Under the Turks and Caicos Islands legislation the administration of lands was reformed by the creation of a Lands Division which govern the disposal of lands. The Turks and Caicos Islands' Crown Land Unit is responsible for the administration and management of all Crown lands under any legal instrument. A Crown land policy, inventory maps, and an allocation register form part of the land management framework. Furthermore, a register of fees, and forms for various applications now feature as accessible documents available on the Crown Lands Unit's web page.

A Land Valuation Unit has been created to provide an efficient and professional valuation service to all government departments and to monitor and review all property transactions within the Turks and Caicos Islands to ensure the correct stamp duty revenue is collected.

It is an open and transparent process, which is available to the public to provide input and review the reform measures, resulting from their Commission of Inquiry and the recommendations for change identified.



VI COI RECOMMENDATION B30.(ii)

The degree and nature of the involvement of members of local community in an advisory capacity

The Territory of the Virgin Islands belongs to the people and decisions being made about its management and disposal should be decisions that are for the benefit of its people. To guarantee that policy decisions regarding management and disposal of Crown land are made in the best interest of the people of the Virgin Islands, it is recommended that a Crown Land Advisory Committee be established to advise Cabinet.

RECOMMENDATION IV

It is recommended that there be a committee that provides advice to the Government regarding the use of Crown land. The Crown land Advisory Committee, if so named, will comprise of members of the community and relevant technical experts within Government.

Crown Land Advisory Committee

The Crown Land Advisory Committee should be empowered to make recommendations to Government regarding the use of Crown land and provide advisory input into any matter of policy or practice relative to the distribution of Crown land. When appropriate, the Committee may be asked to consider specific issues and provide observations and comments. The Committee will establish and publish procedures for carrying out its mandate. Additionally, it is recommended that membership tenure on the Committee be staggered so as to allow for a continuous and transparent Crown land disposal process.



It is recommended that the Crown Land Advisory Committee be appointed by Cabinet and comprised of representatives from:

- a) persons in the community with various social and technical experience who can aid in policy decisions relating to public land management and disposal,
- b) the Ministry of Natural Resources and Labour,
- c) the Director of the Crown Land Authority Board in an ex-officio capacity,
- d) the Lands and Survey Department,
- e) the Town and Country Planning Department, and
- f) the Social Development Department.

Functions of the Crown Land Advisory Committee

The Committee is to advise on relevant policy and decisions pertaining to the use of Crown land, with the view of ensuring that decisions are promoting and supporting sustainable long-term benefits to the Virgin Islands. The Committee, at the request of Cabinet, will also make both general and specific recommendations related to the use of Crown land. Any policy created by the Committee with or without the input of the Ministry should be approved by Cabinet before implementation.

It would be expected by way of relevant legislation that the Committee would meet as necessary, and make decisions promptly. It would also be expected that legislation would dictate mandatory circumstances in which the Governor or the Governor in Cabinet must seek the advice of the Committee. Examples of mandatory consultation include:

- a) subdivision of Crown land,
- b) disposal of Crown land for special circumstances, or



- c) application for commercial lease for development over 10 million dollars.

Regulation of the Crown Land Advisory Committee

In creating the Committee, provisions will need to be created covering areas such as:

- i. tenure of members
- ii. conflict of interest
- iii. quorum for business
- iv. rules of voting
- v. notice period for meetings, etc.

Publication of Crown Land Advisory Committee Decisions

In promoting transparency, it is recommended that all minutes of Committees meeting be available for inspection to the public. Where the Governor or the Governor in Cabinet has declined to follow the advice of the Committee, that decision must be provided and be available for inspection by the public as well.

It is recognised that significant portions of Crown lands have been used for residential and commercial purposes. Thus, the Crown Land Advisory Committee will need to address other competing pressures on the limited Crown land that remains. A key duty of the Committee, therefore, will be to balance the

competing key demands on Crown land and to weigh those demands against development policies and the best interests of the people of the Virgin Islands.



VI COI RECOMMENDATION B30.(iii)

Criteria for the disposal of Crown land for domestic and commercial use (including whether applications for domestic and/or commercial Crown land by non-belongers ought to be entertained and, if so, the criteria for such grants), which should be both published and applied.

The Commission of Inquiry identified that there are inadequate written policies or guidance that can be accessed by applicants interested in purchasing or leasing Crown land. Additionally, the Inquiry also identified that there are inadequate written policies, guidance and criteria that can be referred to or taken into account when justifying how the Ministry or Cabinet makes its decisions regarding disposal of Crown land and the terms of such disposals.

It was also determined that the decision-making process of the Ministry and Cabinet, as it involves the disposal of Crown land does not appear to be open and transparent.

RECOMMENDATION V

It is recommended that there be documented criteria setting out the qualifications for Crown land award and detailing information required from applicants applying to the Crown.

Criteria and Application Process

Criteria for disposal of domestic and commercial property should inform the Crown Land Acquisition Application Process. A historical examination relative to Crown land disposal suggests that a two-level application process should be employed. This process would encompass the following:



Level One (Pre-Qualification)

Residential criteria should be established and adhered to. Pre-qualification for Crown land disposal for residential purposes should be limited to Virgin Islanders and Belongers who:

- a) will be first time homeowners,
- b) reside in the territory,
- c) can document their intention to develop the property within a three to five year time-frame, and
- d) can document financial capabilities to build in the stated time.

A means test should be part of a pre-qualification process. The application process should require that applicants provide documentation demonstrating that they have the financial means to pay for the land and subsequently build a home within the specified time. If applicants are awarded lands without this screening process, they may find themselves unable to afford the price of ownership. Inadequate screening may deny actual qualified applicants the opportunity for home ownership.

A disclosure clause should be included in the pre-qualification application. There should be a disclosure clause to ascertain if applicants are the intended beneficiary of private property and the size of said property. Consideration will need to be given to applicants who may be beneficiaries but whose shared entitlement may be too small to be subdivided. Where it can be proven that an applicant will inherit a large portion of land within a reasonable period such applicant will be excluded.

Existing applications should be assessed using the new, published criteria for pre-qualification. Thus, it is recommended that individuals who previously submitted applications for residential land, reapply based on the new eligibility criteria.



Level Two (Qualification/Application)

An award will generally be effected by the Crown Land Authority sending a letter to successful applicants letting them know they have been selected. The letter should detail information and outline steps that the awardee should then take depending on the particular circumstance of the award.

An award of Crown land will be made based on recommendations from the National Lands Committee to the Crown Land Authority. Specific parcels of land should be awarded. Successful applicants who are awarded Crown lands should be allotted specific parcels of land which should be detailed in the award letter. The awarded letters should give details on:

- a) the pricing structure based on a valuation report, inclusive of price per square foot,
- b) the possible usage for property, and
- c) details of any and all restrictive covenants on the land.

Restrictive Covenants

Restrictive covenants, among other things, will address the following :

- a) type of structure to be erected,
- b) whether property can include rental units,
- c) the Crown having first right of refusal in the event of a sale,
- d) retention period of possession before sale of land,
- e) penalty for sale of land outside of the retention period, and



- f) foreclosures by lending institutions (while recognising lending institutions' right to foreclosed on a lease, a purchaser of a foreclosed lease should still be an individual or entity that meets the criteria that an applicant would have had to meet if that purchaser was applying directly to the Crown for a lease property) -the purchaser of a foreclosed lease should only be entitled to the remaining terms on that lease.

Lottery Selection

At the point of selecting applicants, a lottery-style selection process may have to be utilised if there are more qualified and successful applicants than there is Crown land available for a given scheme. All applicants who are selected for the lottery will be given notice and will be invited to attend or view via remote access.

Consideration may need to be given as to whether or not pre-qualified individuals who were not selected during a lottery, are to be given equal chance in a subsequent lottery under a similar scheme for disposal of land.

Application Process

Persons seeking land from the Crown, should submit an application.

Applications should be accompanied by the following information:

Residential Property

- a) Application - Individual/Residential Property
 - name
 - passport bio information
 - immigration status
 - reason for requesting Crown land

Commercial Property

- b) Application - Individual/Company
 - name



- passport bio information
- immigration status
- a detailed business plan
- documents relating to the business (such as a Certificate of Incumbency, Certificate of Good Standing, Memorandum and Articles of Association, listing of Directors and Shareholders)
- dependent on the size of the proposed development, a registered copy of a Development Agreement between the developer and the Government.

Development Agreement

Section 38 of the Physical Planning Act 2004 provides for the Minister to make decisions on applications for developments valued over ten million dollars.

New legislation or amendments will have to be enacted restricting Cabinet or any Minister from entering into any Development Agreement regardless of the value of the development that binds the Crown when the application or vetting of that developer has not been pre-approved by the Crown Land Authority.

RECOMMENDATION VI

It is recommended that an inventory of all Crown land be undertaken, along with the compilation of a comprehensive register identifying known land allocations and allottees. Both the inventory and the register should be regularly updated.

Crown Assets

Repairs to Crown Facilities

Many government offices are rented from private companies and individuals. This adds an additional and unnecessary financial burden upon Government



that diverts funds from other vital sectors, such as health care and emergency service provision. Crown land may, therefore, be allocated for the purposes of providing accommodation for Government offices and facilities. This will assist the Government of the Virgin Islands by controlling recurrent accommodation costs.

Inventory of Government Real Estate

The Crown Land Authority will ensure that:

- a) an inventory of Government real estate, offices, and installations shall be produced and published. This will include the names and addresses of landlords or superior title holders together with the amount of annual rent paid and
- b) priorities for Crown land allocation are identified. Consideration of potential Government use, based on the inventory of Government real estate and the possibility of reduced recurrent costs, will factor into the prioritising exercise.

The ultimate aim is to ensure that the majority of Government real estate needs are met through the efficient use of Crown land; and where Crown land is used for Government purposes, the relevant departments shall account for that use, using full market rent in their annual accounts to ensure that they are making best use of the Crown land in their portfolio. Departments will be encouraged to be responsible and efficient in their use of these valuable assets.

Sustainable Recreational Use

Where appropriate the Authority may determine that portions of Crown land may be set aside to enable and enhance sustainable recreational use, including the provision of:

- a) access points,



- b) nature trails,
- c) vantage points,
- d) public parks, and
- e) access to historical areas of interest.

Crown Land Register

The Authority should maintain a Crown land register. This register would consist of all known Crown land allocations, detailing the names of the allottees together with the island, locality, parcel reference and parcel size, and, where available, the actual price paid or annual rent. Any future allocations, leases or sales will be added to the register. New editions of the register would be published as required. Copies of the register could be made available upon formal request for a nominal search fee.

Crown Land Inventory

A key function of the Authority would be to maintain an inventory of Crown lands on all islands detailing:

- a) the parcel reference,
- b) the area of the land,
- c) any subsisting leases and sub-leases with royalty values, and
- d) any protected area status.

The inventory of Crown land should also be identified by use and purpose such as:

- i. recreation,



- ii. natural heritage, and

- iii. marine management and protection

Public Access to Land Data

Information on topography, cadastral surveys, areas of special ecosystem value and hazard vulnerability should be readily accessible to the public or commercial sector requiring such information when conducting business.

RECOMMENDATION VII

It is recommended that there be fair valuation for all Crown land subject to disposal.

Valuation Of Land

It is recommended that the Crown Land Authority collaborate with the Crown Land Advisory Committee ("the Committee") and the Government Valuation Unit to ensure that all allotments have been fairly valued. Additionally, both the Authority and the Committee will ensure that:

- a) valuations are carried out of all land, whether commercial or residential, and

- b) guidelines on how the valuation is applied are established and consistently adhered to.

Valuation Guidelines

In valuing Crown land the valuation report should also provide information on the following:

- i. description of the land and possible best use purpose,

- ii. location,



- iii. map showing boundaries and other relevant information,
- iv. any natural features affecting the property such as ghuts, and
- v. surrounding land uses.

VI COI RECOMMENDATION B30.(iv)

Whether there should be any executive discretionary powers in relation to Crown Land disposals. Any such powers should only be maintained where necessary; and, where any such powers are maintained, then they should be subject to clearly expressed and published guidance.

RECOMMENDATION VIII

It is recommended that Cabinet, in granting Crown land, only be able to do so after following established procedures and guidelines.

Use of Executive Discretionary Powers

It is recommended that under relevant Crown Land Management Legislation the Minister or the Minister in Cabinet should be able to grant a lease, licence, easement or right of way over Crown land if it is to accommodate infrastructure or a building ,etc. Such consent should, however, only be granted after consultation with the Crown Land Authority.

To a limited extent, Cabinet can be permitted to grant Crown land to groups or individuals. The granting of Crown land, in such circumstances, can be in recognition of noteworthy achievements by an individual or group such as international medal winning athletes, or in recognition of dire need, such as persons who lost their homes due to natural disasters.



However, Cabinet, in seeking to grant Crown land for residential use, should also consult with the Crown Land Authority and solicit its advice on the specific allocation.

As it relates to the granting of a commercial lease by Cabinet, any intention to award an individual or entity such lease cannot circumvent the established procedures and guidelines set out for applicants who apply for a commercial lease. It is important to note that Cabinet is not expected to have powers that override expressed and published guidance.

If there is to be executive discretion relating to Crown land disposal, such powers should only be maintained where necessary; and, where any such powers are maintained, these powers should be clearly set out in legislation.

RECOMMENDATION IX

It is recommended that there be a series of legislation ensuring that Crown land is disposed and managed in a consistent, fair and transparent manner.

Crown Land Management Act

To ensure that Crown land is properly managed for the benefit of all Virgin Islanders, and to properly provide for the management, disposal, and conservation of Crown land, proper and specific legislation is required. That legislation must seek to codify the existing policies and guidelines that currently are in use relative to the various facets of Crown land.

A Crown land legislation should also provide for the appropriate use and enjoyment of Crown land addressing, among other things, environmental concerns and ensuring that all allocations are in accordance with prescribed procedures and due process.

The Crown land legislation should apply to all Crown land in the territory including the seabed within our territorial waters.



The Crown land legislation should contain the following:

- a) a requirement for Government to create a Virgin Islands Strategic Plan setting out a vision and priority for Crown land,
- b) management principles touching on best use of resources, fiscal prudence, conservation, and environmental protection, etc., and
- c) criteria that guarantees that Crown land is disposed and managed in a consistent, fair and transparent manner.

CONCLUSION

The overall objective of Crown land disposal and management is that the disposal and management should be carried out in a manner that is free from political influence and implements long term sustainable policies that benefit the people of the Virgin Islands. Strengthening the disposal and management process, by means of an arm's length approach from politics and by providing codified written guidelines and criteria that are publicly available, will ensure fairness, efficiency, transparency and public confidence.



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