

LAWS OF GUYANA

STATE LANDS RESUMPTION ACT

CHAPTER 62:02

Act
30 of 1905

Current Authorised Pages

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of
Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

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1929 Ed.
c. 172
1953 Ed.
c. 176

CHAPTER 62:02

STATE LANDS RESUMPTION ACT

30 of 1905

An Act to provide for the resumption of Lands alienated by the State which are abandoned by the owners thereof.

[14th JULY, 1906]

Short title.

1. This Act may be cited for all purposes as the State Lands Resumption Act.

Interpretation.

2. "The Commissioner" means the Commissioner of Lands.

Notice calling upon owners of abandoned lands to prefer their claims.
[22 of 1950]

3. (1) When any land in Guyana which has been or is hereafter alienated by the State appears to the Commissioner to have been abandoned by the owner thereof for eight years or upwards, and the owner, or anyone lawfully claiming under him, cannot be ascertained, notwithstanding every reasonably diligent inquiry made by the Commissioner, he may with the sanction of the Minister declare, by a notice which shall be published six times at least in the *Gazette* and in any local newspaper and posted on that land, containing a description thereof which will enable it to be identified by reference to a survey or natural features, that if no claim thereto is made to him by or on behalf of anyone able to establish a title thereto within the period, not being less than six months, specified in the notice, the land will be resumed by the State.

(2) Any land in Guyana which was alienated before the cession to the British Crown in the year 1803 of the Colony of Demerara and Essequibo and the Colony of

Berbice by or on behalf of the Governments thereof, shall, for the purposes of subsection (1), be deemed to have been alienated by or on behalf of the State.

(3) The last preceding subsection (added hereto by Ordinance 22 of 1950) shall be deemed to have had effect from the commencement of this Act.

Order by the Minister for resumption by the State.

4. If no claim is made in pursuance of the notice the Commissioner shall make a report to the Minister of the proceedings taken by him, containing the description of the land, together with the boundaries thereof, and shall state that no claim has been made thereto; and upon receipt of the report, the Minister may make order that the land shall be resumed by the State, and thereupon it shall be resumed by and become the property of the State free from all incumbrances.

Procedure when claim is made.

5. (1) If, within the period specified in the notice, a claim is made, the Commissioner shall call upon the claimant to establish it within the time appointed by him, and shall inquire into it and record any evidence adduced before him in support thereof.

(2) The Commissioner shall thereafter make a report to the Minister of the proceedings taken by him, containing a description of the land, with the boundaries thereof, and setting forth the nature of the claim made in respect thereof, the evidence taken in support of the claim, and the finding of the Commissioner thereon.

When further proceedings shall cease. When claim is doubtful.

6. (1) If the Minister, upon the report, or after any further inquiry he deems expedient, is satisfied that a *prima facie* right to the land has been established, all further proceedings under this Act in respect of the land shall cease; but if the Minister entertains any doubt as to that right, the Minister shall refer the claim to the High Court, and a judge of that Court shall thereupon fix a day for the investigation of

the claim, with notice thereof to the claimant and to the Attorney-General.

Appeal.

(2) After hearing any evidence adduced by the claimant or the Attorney-General, or called for by the Court, the judge shall decide whether in his opinion the right has or has not been established, and shall make such order as to costs as he deems just. The decision shall be subject to an appeal to the Full Court of the High Court by the Attorney-General or by the claimant, and the appeal shall be subject to the same rules which govern appeals to the Full Court in civil causes.

Procedure on decision by High Court. Proceedings to cease or order.

7. If the decision of the judge or, in the event of an appeal, of the Full Court, is that the right has been established, all further proceedings in respect of the land under this Act shall cease, and the judge or the Full Court of the High Court may thereupon grant to the claimant a declaration of his title to the land, or any part thereof, as the case may be, but if the decision is that the right has not been made out by the claimant, the Minister may make order that the land be resumed by the State, and it shall thereupon be vested in and become the property of the State free from all incumbrances.

Claims in respect of land alienated prior to 1803. [22 of 1950]

8. Notwithstanding anything in this Act to the contrary, if within ten years from the 29th July, 1950, any person establishes to the satisfaction of the Minister that he is entitled to be paid the appraised value or any part of the appraised value of any land which has been deemed to be State Land under section 3 and has been resumed by the State under section 4 or section 7 before the 29th July, 1950, it shall be paid to him by the Accountant General out of moneys provided for the purpose by Parliament.

Resumption to be notified in *Gazette* and notification

9. Whenever the Minister makes an order of resumption under section 4 or section 7, a notification to that effect shall be published in the *Gazette* and posted on the land;

proof of
resumption.

and the production of the *Gazette* containing the notification shall be evidence of the resumption in all legal proceedings whatsoever.

Writ of
possession in
favour of the
Commissioner
upon
production of
notification of
resumption.

10. Upon the Commissioner producing or causing to be produced the notification of resumption before the High Court the Court is hereby required forthwith to issue a writ of possession, directing the Registrar or a marshal to put and place the Commissioner, or anyone whom he names in writing, in possession of the land for and on behalf of the State, and if need be, to remove therefrom any person or persons refusing to vacate it.

Resumed land
to be appraised.

11. Land resumed by the State under section 4 or section 7, shall be appraised without delay by some person or persons appointed for that purpose by the Minister, and the appraised value shall be recorded in the office of the Commissioner.

Appraised
value payable
to owner
within 10 years

12. If within ten years from the date of the notification of resumption being published in the *Gazette*, anyone establishes to the satisfaction of the Minister, that he is entitled to be paid the appraised value or any part thereof, it shall be paid to him by the Accountant General out of moneys provided for the purpose by Parliament.

Power of judge
at investigation
of claims.

13. The judge, when investigating a claim under this Act shall have the same power of adjournment and of summoning and enforcing the attendance of claimants or witnesses, and of examining them on oath or affirmation, and of enforcing answers, and of calling for and enforcing the production of documents, as he has when dealing with cases in his ordinary civil jurisdiction, and everyone who wilfully gives false evidence at any investigation held by a judge under this Act shall be liable to the pains and penalties of perjury.

Power of
Commissioner

14. The Commissioner while holding an inquiry under

at inquiries into claims.
c. 7:01

section 5 may exercise all or any of the powers vested in a magistrate acting under the Summary Jurisdiction (Petty Debt) Act; and everyone who wilfully gives false evidence before him shall be liable to the pains and penalties of perjury.

Form of claim under this Act. Claimant to name place for service of notices.

15. Every claim made under this Act to the Commissioner shall be in writing, signed by the person making it, and shall set forth the name and address of the claimant in full and a place within some district wherein there is a regular postal house to house delivery at which he is willing to accept service of notices; and any notice put in the post addressed to the claimant at that place shall be deemed to have been duly served at the time when in due course of post it would be delivered at that address.

False statements.
[6 of 1997]

16. Anyone who wilfully and knowingly inserts anything that is false in any statement of claim made to the Commissioner, and anyone who, for the purpose of setting up a false claim to any land subject to this Act, wilfully and knowingly makes any false statement (not on oath or affirmation) to the Commissioner at any inquiry held under this Act, shall be liable to a fine of nine thousand seven hundred and fifty dollars and to imprisonment for six months.

Defect in proceedings not to affect title of the State.

17. No informality nor irregularity occurring in any proceedings taken under this Act shall be held to invalidate or affect the title of the State, or any purchaser or grantee from the State, to any land resumed under this Act:

Provided that nothing herein contained shall prevent anyone from claiming damages against the State if he has been substantially prejudiced by the informality or irregularity.

Power of Commissioner

18. The Commissioner may appoint any officer of the Lands Department to inquire into any claim made under

to delegate
certain duties.

section 5, and any officer so appointed shall have and may exercise, for the purpose of holding the inquiry, all the powers vested in the Commissioner under sections 5 and 14, and all the provisions of section 14 shall apply to any inquiry so held.
