

CROWN PROPERTY (VESTING) ACT

Law
21 of 1960.

[6th June, 1960.]

1. This Act may be cited as the Crown Property (Vesting) Act. Short title.
2. In this Act unless the context otherwise requires— Interpreta-
tion.
- “Accountant-General” means the Accountant-General appointed under section 15 of the Financial Administration and Audit Act;
- “Commissioner” means the Commissioner of Lands appointed under section 3;
- “existing instrument” means—
- (a) any enactment in force in this Island at the commencement of this Act;
 - (b) any enactment which having been made before the commencement of this Act is brought into operation in this Island on or after the commencement of this Act;
 - (c) any regulations made under any such enactment as aforesaid;
 - (d) any transfer, conveyance, lease, will or other assurance of land executed before the commencement of this Act and existing at the commencement of this Act;
 - (e) any certificate of title registered by the Registrar of Titles in accordance with the provisions of the Registration of Titles Act and existing at the commencement of this Act;

- (f) any writ, certificate, decree or order issued, granted or made by any Court and existing at the commencement of this Act;
- (g) any deed or other instrument creating a mortgage, charge or other incumbrance on land and existing at the commencement of this Act; or
- (h) any certificate or other document relating to the holding of shares, debentures or other securities made before, and existing at, the commencement of this Act;

“land” means land of any tenure and tenements and hereditaments, whether corporeal or incorporeal, and houses and other buildings, and includes any estate, right or interest in, to or over land.

Commis-
sioner of
Lands.

3.—(1) The Governor-General may from time to time appoint a fit and proper person to be Commissioner of Lands.

(2) The Commissioner for the time being shall be a corporation sole by the name of the Commissioner of Lands and shall have power to acquire, hold and dispose of land and other property of whatever kind.

(3) The Commissioner shall have an official seal which shall be authenticated by the signature of the Commissioner and shall be officially and judicially noticed.

(4) Except in accordance with the provisions of any enactment or under any power or directions contained in any transfer, conveyance, will or other instrument, the Commissioner shall not, without either general or special authority in writing from the Minister—

- (a) sell, convey, exchange, grant, assign, surrender or yield up, mortgage, lease or let any land vested in him by or under this Act; or

- (b) sell, transfer, assign or otherwise dispose of any right or interest in any minerals or petroleum vested in him under section 5.

(5) In this section “Minister” means the Minister responsible for Crown Lands.

4.—(1) All lands which immediately before the commencement of this Act were vested in or held by the Chief Secretary are hereby transferred to and vested in the Commissioner and shall be held by him and his successors in the said office for the like estate and interest and to the like extent as such lands were vested in or held by the Chief Secretary.

Lands vested and to be vested in the Commissioner.

(2) All lands acquired, by whatever means, on or after the commencement of this Act, for the use of the Government of this Island, other than lands acquired by the Minister of Housing for the purposes of the Housing Act, shall be vested in the Commissioner for the time being and held by him and his successors in the said office in trust for Her Majesty, her heirs and successors—

- (a) for the purposes for which such lands are purchased, taken or held under any enactment; or
- (b) in accordance with the terms of the transfer, conveyance, lease, will or other assurance executed in relation thereto.

5. Where—

- (a) any mineral declared by the Minerals (Vesting) Act to be vested in the Crown; or
- (b) any petroleum vested in the Crown by the Petroleum Act,

Minerals and petroleum after severance from the land.

is severed from the land, then without prejudice to any rights, powers or duties conferred or imposed by any enactment or regulations upon the Commissioner of Mines in

respect of such minerals or petroleum upon severance thereof from the land, all the rights and interests of the Crown in such minerals or petroleum upon severance from the land shall vest in the Commissioner for the time being and be held by him and his successors in the said office in trust for or on behalf of Her Majesty, her heirs and successors.

Incorporation of Accountant-General.

6.—(1) The Accountant-General for the time being shall be a corporation sole by the name of the Accountant-General and shall have power to hold and dispose of land and other property of whatever kind.

(2) The Accountant-General shall have an official seal which shall be authenticated by the signature of the Accountant-General or any person authorized by him to act in that behalf and shall be officially and judicially noticed.

(3) Except in accordance with the provisions of any enactment or regulations or under any power or directions contained in any deed, will or other instrument, the Accountant-General shall not, without authority in writing from the Minister, sell, transfer, assign or otherwise dispose of any property vested in him by or under this Act.

(4) In this section “Minister” means the Minister responsible for finance.

Certain property vested and to be vested in the Accountant-General.

7.—(1) All property held by the Chief Secretary or belonging to the Government of this Island immediately before the commencement of this Act, other than property vested in the Minister of Housing for the purposes of the Housing Act, or property transferred to and vested in the Commissioner by subsection (1) of section 4, is hereby transferred to and vested in the Accountant-General and his successors in the said office to be held (except where and to such extent as any such property was held on other trusts) in trust for the Government of this Island.

(2) All property acquired, by whatever means, after the commencement of this Act, by or for the use of the Government of this Island, other than—

- (a) property required by subsection (2) of section 4 to be vested in the Commissioner;
- (b) any rights and interests in minerals or petroleum vesting in the Commissioner in accordance with the provisions of section 5; and
- (c) property acquired by the Minister of Housing for the purposes of the Housing Act,

shall be vested in the Accountant-General and his successors in the said office in trust for the Government of this Island.

8.—(1) Wherever the expression “Chief Secretary” appears in any existing instrument, so far as such instrument relates to the vesting of lands in, or the acquisition, holding, sale, conveyance, exchange, grant, assignment, surrender, mortgage, lease or letting thereof by the Chief Secretary, such instrument shall have effect on and after the commencement of this Act as if for the expression “Chief Secretary” there were substituted the expression “Commissioner of Lands”. Transitional.

(2) Wherever the expression “Chief Secretary” appears in any existing instrument, so far as such instrument relates to the vesting in the Chief Secretary or the acquisition and holding or disposal by him of property being property vested or required to be vested in the Accountant-General in accordance with the provisions of this Act, such instrument shall have effect on and after the commencement of this Act as if for the expression “Chief Secretary” there were substituted the expression “Accountant-General”.

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(3) The person who immediately before the commencement of this Act held the office of Commissioner of Lands shall be deemed, on the commencement of this Act, to be appointed under section 3.