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GOVERNOR (VESTING OF LANDS) LAW

(2005 Revision)

Cap 1 of the 1963 Revised Edition of the Laws consolidated with Laws 9 of 1997 and 11 of 2005.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-

Cap. 1-1st January, 1964
Law 9 of 1997-18th April, 1997
Law 11 of 2005-9th March, 2005.

Consolidated and revised this 12th day of July, 2005.

Note (not forming part of the Law): This revision replaces the 1998 Revision which should now be discarded.

GOVERNOR (VESTING OF LANDS) LAW

(2005 Revision)

ARRANGEMENT OF SECTIONS

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GOVERNOR (VESTING OF LANDS) LAW

(2005 Revision)

1. This Law may be cited as the Governor (Vesting of Lands) Law (2005 Revision). Short title
2. All lands, tenements and hereditaments in the Islands, belonging to or held in trust for Her Majesty or acquired for the use of the Government, and which have not been sold, alienated or parted with, are declared to be vested in the Governor and held by him and his successors in the said office in trust for Her Majesty, for the purposes for which the same were authorised or directed by any law, or in accordance with the terms of any conveyance, lease, will or other assurance executed in relation thereto. Vesting of lands, etc., in Governor
3. From and after the purchase, conveyance, grant, devise or demise thereof, all lands, tenements and hereditaments which shall hereinafter be purchased, taken, held or occupied for the use of the Government, or of any of the departments of, or belonging to the public service, shall, in like manner, be vested in and held by the Governor, and his successors in the said office, in trust for Her Majesty, her heirs and successors, for the purposes for which the same shall have been or shall be purchased, taken, held or occupied under any law, or in accordance with the terms of the conveyance, lease, will or other assurance executed in relation thereto. Lands, etc., hereinafter acquired to be vested in Governor
4. On the death, resignation, retirement or removal of any Governor all such lands, tenements and hereditaments shall become vested in, and be held by the succeeding Governor, and in perpetual succession in trust as aforesaid. Vesting in succeeding Governors
5. In all deeds, conveyances, leases, wills, contracts and other instruments touching any estate or interest of, or in any lands, tenements or hereditaments vested or intended to be vested in the Governor to which he is a party, it shall be sufficient to describe him generally by the style and title of the Governor of the Cayman Islands, without naming him. Vesting by style of Governor
6. The Governor may sell, exchange, grant or devise any of the lands, tenements or hereditaments, which shall be so vested in him in trust, and to do any other act, in relation to any such lands, tenements and hereditaments which he shall deem beneficial for the public service or for the better management thereof. Power to sell

Provided that except under the authority of some law, or under the terms of the trust affecting the same under any such conveyance, lease, will or other assurance as aforesaid, or under section 9, the Governor shall not sell, exchange or grant any of the said lands, tenements or hereditaments so vested or to be vested in and held by him in trust as aforesaid.

Power of Governor to sue, etc.

7. The Governor may bring, prosecute and maintain any action, suit or proceeding for recovering possession of any of the said lands, tenements or hereditaments, and distrain or sue for any arrears of rent in respect thereof, and also to bring, prosecute or maintain or to defend any other action or proceedings in respect thereof, or in relation to the said lands, tenements or hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto; and in every proceeding, it shall be sufficient to describe the Governor by the style or title of the Governor of the Cayman Islands, without naming him; and no such action or suit shall abate by the death, resignation or removal of such Governor; and the Governor shall be entitled to recover costs for and on behalf of Her Majesty, where judgment is given for the Crown, and shall not be personally responsible where judgment is given against the Crown, but the damages and costs shall be paid by the Government.

Possession of Crown lands in Governor

8. The possession and right of possession of and in all lands, tenements, or hereditaments now held in trust for, or to the use of Her Majesty the Queen, for the benefit of the people of the Islands, or charged to such absolute use or benefit, may be recovered, maintained, asserted and defended with the sanction and in the name of the Governor of the Cayman Islands, in like manner, and for all intents and purposes at law or in equity, as he is hereby authorised and empowered in respect to all lands, tenements and hereditaments vested or to become vested in him in trust as aforesaid.

Authority of Governor to sell land

9. The Governor in Cabinet may sell, convey, grant or devise any of the lands, tenements or hereditaments respectively vested in the Governor under this Law and execute all such deeds and assurances as may be necessary fully and effectually so to do:

Provided that in cases where a sum of money is the consideration for the sale of any lands under this section, no conveyance shall be executed until such sum shall have been paid into the office of the Financial Secretary and his receipt endorsed upon the agreement of such conveyance and his certificate thereof lodged in the office of the Governor.

Restrictions on dispositions

10. (1) A disposition by the Governor under section 6, or by the Governor in Cabinet under section 9, is void unless, prior to the completion of such disposition-

- (a) full details of the land of which it is proposed to dispose, and of the terms of the proposed disposition, have been advertised in a newspaper circulating in the Islands and in the Gazette;
- (b) a report, accompanied by the documents specified in subsection (2), and recommending the proposed disposition has been laid on the Table of the Legislative Assembly for twenty-one days by the Minister responsible for lands; and
- (c) a motion to reject the report has not been made within the period that the report is on the Table of the Legislative Assembly; or if such a motion has been validly made, it has been voted on and negatived by the Legislative Assembly.

(2) The report laid on the Table of the Legislative Assembly under subsection (1) shall be accompanied by-

- (a) a report by the proper officer in the ministry responsible for lands containing all the details and terms of the proposed disposition and the reasons for proposing it;
- (b) a copy of the report of the survey required by paragraph 12(1) of the Cayman Islands Royal Instructions, 1972;
- (c) a valuation by the Government's valuer of the land of which it is proposed to dispose;
- (d) valuations by two independent licensed valuers of the land of which it is proposed to dispose;
- (e) a copy of the resolution of Cabinet approving the terms of the proposed disposition; and
- (f) a copy of the advertisement of the proposed disposition published under subsection (1)(a).

(3) Where, pursuant to section 9, the Governor in Cabinet proposes to sell, convey, grant or devise any lands, tenements or hereditaments -

- (a) to a statutory authority or government company; or
- (b) to any legal entity, in the public interest and for the purpose of agriculture, education, health, housing or any other similar purpose,

the Governor in Cabinet may waive any of the requirements of subsections (1) and (2).

(4) In this section-

“disposition” means a conveyance or transfer of a freehold, a grant of a lease for a term which exceeds five years, an assignment of a lease which, at the date of such assignment, has a term of more than five years unexpired, or an assignment

of a lease which contains an option for renewal for periods which, when added to the original term, could exceed five years.

“government company” means a company in which the Government has a controlling interest and, in respect of each such company, includes all subsidiary entities of the company; and

“statutory authority” means an entity established by a law to carry out functions which are capable, under that law, of being funded, partly or entirely, by money provided by the Governor in Cabinet, and for which the Governor or the Governor in Cabinet has the power to appoint or dismiss the majority of the Board or other governing body.

Publication in consolidated and revised form authorised by the Governor in Cabinet this 12th day of July, 2005.

Carmena Watler
Clerk of Cabinet

(Price \$ 1.60)