Applying for a Landholding Licence in Montserrat – A Step by Step Guide

The ownership of land in Montserrat by a non-Montserratian is governed by the Landholding Control Act (Cap. 8.02). A non-Montserratian wishing to hold land as owner, tenant or mortgagee in Montserrat is required to apply for a landholding licence.

The instructions below seek to assist an applicant intending to obtain a landholding licence to hold land in Montserrat.

- The applicant is required to submit to the Permanent Secretary, Ministry of Agriculture an application for the grant of a landholding licence. The applicant is also required to submit a copy of the application to the Registrar of Lands, Land Registry. An attorney-at-law may submit the application on behalf of the applicant.
- 2. The application must clearly set out:
 - (a) the reference number of the land (Block & Parcel Number) which is the subject of the application;
 - (b) a brief description of the land;
 - (c) the correct full name of the applicant;
 - (d) the nationality of the applicant; and
 - (e) the consideration (purchase price) of the property which is the subject of the application.
- 3. An application will only be accepted for a whole parcel. If an applicant desires to purchase part of a parcel, he or she must ensure that the parcel is first subdivided and the part that he or she desires to purchase is given its own block and parcel number.
- 4. The application must be supported by a legible copy of the photo page of the passport of the applicant.
- 5. On submission of the application, the Land Registry reviews the application to ensure that all the relevant information is provided.
- 6. If further information is required, a request for additional information is made to the applicant.
- 7. Once the information provided on or with the application is sufficient, the Land Registry prepares a Cabinet Memorandum in respect of the application and a draft landholding licence and submits both documents to the Minister of Agriculture, Lands, Housing and the Environment.

- The Minister subsequently submits the Cabinet Memorandum and the accompanying application and draft landholding licence to Cabinet for the approval of the Governor acting on the advice of Cabinet.
- 9. If the application is approved and there are no amendments or discrepancies, the draft landholding licence is re-printed by the Ministry of Agriculture, Lands, Housing and the Environment on the approved paper and signed by the Governor.
- 10. If there are amendments or discrepancies, these are corrected by the Ministry of Agriculture, Lands, Housing and the Environment and the draft landholding licence is re-printed on approved paper and signed by the Governor.
- 11. Approval of the application by Cabinet usually takes 1-2 weeks and the landholding licence may be subject to conditions.
- 12. The signed landholding licence is submitted to the Land Registry and an instrument number is assigned to the landholding licence.
- 13. The Permanent Secretary, Ministry of Agriculture, Lands, Housing and the Environment notifies the applicant or his attorney-at-law, if applicable, by letter that the application is approved. The letter also informs the applicant of the licence fee payable, if any, before the landholding licence can be issued.
- 14. The applicant is required to pay the licence fee at the Treasury Department.
- 15. The applicant, after payment of the licence fee, submits the receipt to the Registrar of Lands as proof of payment.
- 16. On satisfaction that the requisite licence fee has been paid, the Registrar of Lands signs the back of the landholding licence.
- 17. Usually, a landholding licence is accompanied by a 'Transfer of Land'. If all the requirements for a transfer of land are met, the Registrar of Lands approves and registers the transfer at the same time he or she signs the back of the landholding licence
- 18. The landholding licence can then be collected by the applicant or his attorney-atlaw.

Please note:

- A landholding licence is permanent and does not require renewal.
- A landholding licence is operative only as to the land described in the licence and as to the estate or interest specified in the licence.

Licence Fees

\$2,500 or 5% of the consideration (purchase price) paid To own land:

for the land, whichever of the two is greater.

To lease land (tenant):

\$1,500 or 15% of the yearly rental value of the

land, whichever of the two is greater.

The Property Valuation Officer of the Inland Revenue Department is responsible for determining the yearly rental value of the land.

Further Information

Any query or request for clarification on the information provided above may be addressed to the following contacts:

Permanent Secretary
Ministry of Agriculture, Lands, Housing and the Environment
Brades
Montserrat

Tel: (1) 664-491-2075 / 2546 Fax: (1) 664-491-9275 Email: malhe@gov.ms/

or

Registrar of Lands Lands and Survey Department P.O. Box 369 Brades Montserrat

Tel: (1) 664-491-3669 / 3620 Fax: (1) 664-491-2469 Email: <u>surveys@gov.ms/</u>