



*Ministry of Environment and District Administration  
Turks and Caicos Islands*

# **TURKS & CAICOS ISLANDS**

## **Crown Land Policy**

**14 July 2011**



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## Foreword by the Governor

Crown land is the principal heritage asset of the people of the Turks and Caicos Islands. As such, both the government and the people of the islands have an obligation to manage and utilise that asset in a responsible, accountable and transparent manner for the benefit of the nation and in trust for future generations of Turks and Caicos islanders.

During 2010, comprehensive information was gathered to try to assess definitively how much Crown land remains and a detailed Crown Land Inventory was established in both text based and graphical form using records held by the Land Registry.

This analysis shows that in recent years a great deal of Crown Land has been transferred into private hands. Analysis of Crown Land available in Grand Turk, by way of example, has demonstrated that little Crown land remains that does not form part of existing public areas, roadways and salinas. Similarly, in Providenciales, the vast majority of available development land, outside of protected areas such as National Parks and Nature Reserves, has already been allocated to private individuals and companies. On most of the other islands, the story is much the same.

Construction of a Crown Land Allocation Register has begun to catalogue individual freehold grants and leases of Crown land but due to inconsistent record keeping in the past, this process is only likely to yield 80% of past allocations.

The effect of these allocations of Crown land has been to create a substantial private land market. However it also means that future generations of Turks and Caicos islanders will generally only be able to gain access to land from the private market place since the ability of government in future to act as a source of land has been severely curtailed by the decisions of previous governments.

The test for government now is to make best use of the remaining land for the benefit of all Turks and Caicos islanders. The objectives should include: to preserve the character and beauty of the islands; to facilitate responsible and sustainable economic and commercial development; to help those who did not benefit from past allocations to gain access to residential land; and to provide some hope for future generations that their remaining heritage will be well used and will not be lost entirely.

This policy document sets out how the Government of the Turks and Caicos Islands proposes to deal with Crown land in the future in an open and transparent way and in a manner consistent with the principles of sustainability and responsible national development.

Crown land must be managed responsibly and transparently and, above all in doing this, the government of the day must be accountable to the people.

**D R Todd**





## Executive summary

Data shows that of all useable land in the Turks and Caicos Islands approximately only a quarter remains as usable Crown land, the rest being held in private hands, both individual and corporate. This new Crown land policy sets out a range of measures and commitments designed to safeguard the remaining Crown land for the benefit of all. It also details a revised set of principles for the continuing management of Crown land falling within the Protected Areas System.

### **Analysis**

Crown land is defined in the Constitution as “any land or other immovable property within the Islands that may be lawfully granted or disposed of by Her Majesty”. Resources have been applied to develop a comprehensive body of data in both text and graphical form.

This has resulted in the creation of a detailed Crown Land Inventory and has enabled an objective assessment of the amount of usable Crown land remaining.

This detailed data, drawn directly from land registration records, has confirmed the expectation that large extents of Crown land have been alienated. The private land market now accounts for the significant majority of usable land within the Turks and Caicos Islands.

Many of the transfers of land from Crown to private individuals and companies are documented within a Crown Land Allocation Register further increasing transparency and stimulating public debate.

The data has also been used to produce a series of detailed Crown Land Inventory Maps that graphically demonstrate the extents and current distribution of usable Crown land across the island chain.

In real terms, this means that future generations of Turks and Caicos islanders will generally only be able to gain access to land from the private market place since the ability of government to act as a source of land has been significantly reduced.

Government now faces a significant challenge in respect of the remaining Crown land in how best to maximise future opportunities without further unsustainable erosion of this critical heritage asset.

As a result, though some future residential Crown land allocations will still be possible, particularly where infill development helps to complete occupation of existing partially complete residential communities, plot sizes will inevitably be smaller to maximise opportunities for allocation.



## Going forward

This 2010 Crown Land Policy places priority on five key areas:

- transparency
- safeguarding Crown land and Protected Areas
- new priorities for Crown land use
- new eligibility requirements for access to Crown land
- transition to the new policy

**Transparency** - *Strengthening the transparent administration of Crown land ensuring a fair and efficient process open to public scrutiny*

Transparency measures have been improved. Electronic copies of both the Crown Land Allocation Register and the inventory maps are already available free of charge via the internet providing public oversight of heritage asset disposal.

In order to ensure independence of Crown land management and to restore confidence in wider land administration by Government, the Crown Land Unit, the Land Registry, the Survey and Mapping Department, and the Valuation Office will report to the Attorney General.

A Crown Land Advisory Panel will provide further qualified stakeholder oversight of Crown Land Unit activity and future policy amendments.

**Safeguarding Crown land and Protected Areas** – *Additional measures to protect Crown land and land falling within the Protected Areas System*

Informal settlement and harmful actions against Crown land will be vigorously challenged by enforcement of existing laws. Planning law will be similarly enforced. Land falling within Protected Areas will be further protected by administrative measures.

**New priorities for Crown land use** - *Redefining the priorities for the use of Crown land with immediate effect ensuring a sensible balance between competing demands for the limited resource*

Crown land uses are expanded to include provision of:

- land for Government use to replace rented offices
- social and emergency housing



- land for recreational use
- land for tourism promotion

### **New eligibility requirements for access to Crown land - *Changing the criteria for access to Crown land***

Eligibility for residential Crown land is now limited to those persons who have not previously received any prior allocations of Crown land. These measures will eventually serve to ensure all Belongers will have had an opportunity to gain access to residential land. The failed system of conditional purchase leases has now been discontinued and is replaced by direct allocation of long leasehold or straight to freehold options instead.

With a significant level of private land holdings amongst the islands, commercial developers now have a greater choice of locations through the private land market and will rarely need to resort to applying for Crown land. If they choose to do so, they will face four simple tests.

Specifically they are that:

1. the private land market is unable to fulfil the particular development need
2. a viable and detailed business case has been demonstrated
3. the amount of Crown land allocated is commensurate with the planned development
4. a clear and continuing benefit will accrue to the Turks and Caicos Islands

These measures will weed out speculative attempts to alienate further Crown land that are not in the long term interests of the Territory. Any commercial developments that pass those tests will not normally attract discounts and will usually only qualify for a long leasehold title at a full market rent that will be subject to regular review to ensure value for money for the government and the people.

### **Transition to the new policy - *A range of other matters relating to accountability for past transactions and transitional matters from the 2005 Crown Land Policy to this new policy***

Prior transactions will be examined to ensure that procedures were followed particularly in relation to Belonger discounts previously granted.

The Government will establish a Crown Land Fund, using a proportion of fines levied by the court in respect of illegal occupation, to be administered by the Crown Land Unit with the purpose of:

- providing public information and community education programmes to deter further informal settlement activity
- meeting the costs of prosecution of informal settlement



- meeting the costs of restorative action to reduce the impact and effect of informal settlement activity
- assisting in the relocation of informal settlers with a genuine housing need

A Crown Land Ordinance that substantially includes the provisions of this policy will be enacted by as soon as practicable.

Collectively, these measures represent a significant advance in the transparent, responsible and accountable administration of Crown land in the Turks and Caicos Islands and are underpinned by real progress in the operational effectiveness of the relevant government agencies.





## Section 1 - Transparent administration of Crown land

### **Transparency, accountability and responsibility**

In order to improve transparency in dealings with Crown land, there shall be a general presumption that information relating to any activity of the Crown Land Unit, and information about Crown land, shall be made publicly available. This will include information regarding past, present and future transactions relating to Crown land together with procedures and rules governing transactions with Crown land.

Both the Government and the people of the Turks and Caicos Islands have a shared duty to act in a responsible manner in relation to the management and treatment of Crown land.

The Government will:

- maintain and regularly publish a Crown Land Allocation Register

This register will 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 will be published as required. Electronic copies of the Crown Land Allocation Register will be available, free of charge, via a Government website.

- reduce costs of official copies of registers of title held at the Land Registry to ensure that persons seeking information about land are not unduly deterred by excessive charges. In general, charges in relation to information about land held by government will be reduced to a level sufficient only to cover the costs of maintaining the service.
- ensure that there will be clear lines of accountability in dealings with Crown land. Procedures shall be developed and published to ensure clarity in the process of acquiring Crown land and ensure that all decisions taken by government are done so in accordance with existing laws and policy and with due regard to the importance of Crown land as a heritage asset for future generations.

Members of the public should be mindful that actions which are detrimental to Crown land are detrimental to the nation as a whole and constitute an abuse of trust for future generations of Turks and Caicos islanders.



## **Crown Land Unit**

There shall continue to be a dedicated Crown Land Unit responsible for the monitoring, control and management of Crown land. It will have overall responsibility for all Crown land related matters including:

- monitoring and reviewing existing long lease agreements
- conditional purchase leases
- allocation, sale and lease
- recovery of Crown land
- enforcement of legislation relating to Crown land

The Government will now require all departments or agencies to actively cooperate with the Crown Land Unit to ensure the efficient exchange of information, helping to guarantee that Crown land is being managed and monitored appropriately.

The Government will ensure that the Crown Land Unit will develop and maintain a computerised Crown Land Inventory for all islands detailing:

- the parcel reference
- the area of the land
- any subsisting leases
- any protected area status

In addition to text based information, the Crown Land Unit will maintain the inventory of Crown land information in graphical form as a series of maps known as the Crown Land Inventory maps. Electronic copies of the Crown land inventory maps will be available, free of charge, via a Government website.

## **Assuring independence of Crown land management**

In order to ensure independence of Crown land management and to restore confidence in wider land administration by Government, the Crown Land Unit, the Land Registry, the Survey and Mapping Department, and the Valuation Office will now report to the Attorney General.

## **Crown Land Advisory Panel**

The Government will also establish a Crown Land Advisory Panel to ensure that future decisions and policy in relation to the remaining Crown land are appropriate, beneficial to the Turks and Caicos Islands and sustainable in the longer term.

The Crown Land Advisory Panel shall be appointed by the Governor and comprised of representatives from:

- community representatives
- the Office of the Governor



- the Crown Land Unit
- the Survey & Mapping Department
- the Planning Department
- the Housing Department
- the National Trust
- Social Welfare
- the Human Rights Commission

The panel may make recommendations to government regarding the use of remaining Crown land and provide advisory input into any matter of policy or practice. When appropriate, the panel may be asked to consider specific issues and provide observations and comments. The opinion of the panel shall not bind the government.

The panel will meet at least on a quarterly basis but may meet more often as it is deemed necessary to discharge their functions and the minutes of any such meeting shall be made publicly available.

## **Section 2 - Measures to protect Crown land**

### **Protection of Crown land**

The Crown Land Unit will have overall responsibility for monitoring and protecting Crown land. The government will act swiftly to defend Crown land and prevent irresponsible actions that denude or degrade Crown land. The citizen has a part to play by treating Crown land with respect and in being vigilant, referring any potential harmful activity on Crown land to the Crown Land Unit in the first instance.

The Government will vigorously challenge harmful actions against Crown land. This includes physical activities such as illegal dumping of waste, breaches of planning regulations, encroachment, delaying payments, refusing to pay rent or avoidance of duty. These actions deny the government the revenue it needs or result in a cost to the public. Action has already begun to be taken with respect to unpaid rent and informal settlement.

### **Trespass upon Crown land**

Trespass is the act of entering upon land without the permission of the owner. Trespass upon Crown land including the rights, remedies and consequences of doing so are dealt with more fully in the Crown Land (Illegal Occupation) Ordinance.

The Government will ensure that the provisions of the Crown Land (Illegal Occupation) Ordinance will be fully enforced by the Crown Land Unit working in conjunction with relevant authorities.



## **Informal settlement on Crown land**

Informal settlement is an act of trespass compounded by the intention to permanently occupy the land. Crown land, by its very nature, is often the target of informal settlement activity which can significantly harm the environment and limits the ability to use that land in the future to benefit Turks and Caicos islanders. With only limited areas of Crown land remaining, informal settlement activity now represents a significant problem.

To help deal with this problem an Informal Settlement Task Force (ISTF) was established and first met in October 2009. Membership comprises of nominated representatives from:

- the Crown Land Unit
- the Survey and Mapping Department
- the Planning Department
- the Royal Turks and Caicos Islands Police
- Environmental Health
- the Housing Department
- Social Welfare
- the Human Rights Commission

The ISTF will meet at least each quarter but more frequently if necessary to address key issues. Informal settlement on Crown land will be dealt with sympathetically in cases where a genuine need for housing has left little alternative, but deliberate and calculated encroachment, especially for commercial gain, will be dealt with using the fullest remedies available under the law of the islands.

In general, informal settlement on Crown land is controlled using five key approaches operating in concert:

- Public information
- Monitoring of susceptible areas
- Containment of activity
- Enforcement of policy and legislation
- Prosecution of offenders under the Crown Land (Illegal Occupation) Ordinance

The Crown Land (Illegal Occupation) Ordinance came into force in December 2008. This Ordinance makes it illegal for any person without lawful authority to use or occupy, construct any building or structure, or abandon any vehicle on Crown Land.

Persons found guilty of such an offence are liable upon summary conviction to a fine of US\$10,000 or to imprisonment for six months and upon conviction on indictment to a fine of US\$50,000 or to imprisonment for two years, or to both such fine and imprisonment.

In addition to the penalty, the court has the authority to order the offender to restore the land to its original state. If the offence is committed by a body corporate, any director, manager, secretary or other similar officer of the body corporate who consented to the offence can be fined.



The Ordinance is enforceable by the Commissioners of Lands and Assistant Commissioners of Land, who have the power to:

- a) require a person to cease the unauthorised occupation of Crown land, give up possession of the land and restore the land to a condition satisfactory to the Governor
- b) seize on behalf of the government all improvements, goods, chattels or other materials on the Crown land
- c) require the person to remove any improvements made by the person on the Crown land, to the satisfaction of the Governor, within the time specified in the notice

Land Commissioners are also empowered to remove or demolish any structure if persons fail to comply with notices. Vehicles and building materials together with any other personal property left unattended or abandoned may also be destroyed or removed.

Any costs incurred will be recovered as a debt due to the Government from the person upon whom the notice was served. Informal settlers who fail to comply with the terms of any notice will no longer be eligible for any future allocations, discounts or incentives in relation to Crown land. Any existing Crown land conditional purchase leases that they have will be terminated.

Containment may include physical defence measures, such as blocking footpaths, access ways and roadways being used to facilitate illegal occupation. Containment will also be achieved through other means including the removal of building materials and other construction supplies illegally deposited on Crown land and the removal and destruction of abandoned or unclaimed vehicles.

Moving forward, the Government will:

- use public information campaigns to educate and inform the people about the issues surrounding informal settlement activity and the consequences of engaging in such behaviour. The intention is to ensure that everyone is aware of the likely consequences of attempting to trespass on Crown land and that this information will act as a deterrent to such activities. Public information will be disseminated through a variety of media channels and will also be available in multiple languages.
- ensure regular monitoring of informal settlement activity is taking place. Enforcement of the rule of law in relation to any activity detected is the responsibility of the Crown Land Unit acting with the assistance of other government departments and the Royal Turks and Caicos Islands Police. This cooperation is achieved through the Informal Settlement Task Force. The general public also have a role to play in treating Crown land with respect and in helping to identify problems relating to unlawful activity upon Crown land by informing the Crown Land Unit.
- monitor informal activity; activity detected will result in containment action to prevent further encroachment and limit the damage being done. Containment will usually begin with serving notices under Crown Land (Illegal Occupation) Ordinance 2008



upon any informal settlers ordering them to cease their activity and return the land to its original condition.

- vigorously pursue enforcement of policy and legislation and the costs of enforcement will always be sought in addition. Informal settlers who choose to work in good faith with government to find a peaceful solution may have enforcement action deferred. Those persons who use violence, threats or intimidation towards others, either within the community or in government, will be prioritised for enforcement action to protect the public and government employees.

The Government will prioritise prosecutions focussing on:

- persons who have deliberately encroached or trespassed on Crown land for personal profit. Where persons have built rental units and are currently collecting rent from tenants, the rent shall be forfeit and shall accrue to the Government of Turks and Caicos Islands as the actual land owner. Past rents collected will also be pursued through court action.
- promotion of informal settlement through calculated fraud and related profiteering. This will include persons attempting to sell services to informal settlers whilst passing themselves off under the colour of authority of the Government of the Turks and Caicos Islands or who imply that their services will result in, or assist with, the grant of any title to Crown land.

Restoration of the land after any such informal settlement activity and recovery of the proceeds of any actual criminal offence will also be a key feature of enforcement.

### **Persons purporting to sell Crown land**

Persons who purport to sell or lease Crown land without lawful authority are committing fraud. Whilst frauds of this nature are related to Crown land, no title passes to the victim. As such, the victim of the fraud will be treated as a trespasser on Crown land. Anyone can find out who owns land in the Turks and Caicos Islands by applying to the Land Registrar for official copies of the register of title for the parcel of land concerned. Persons intending to buy any land in the Turks and Caicos Islands are recommended to seek legal advice from a qualified lawyer.

The Government will ensure that:

- the Royal Turks and Caicos Islands Police will collect and collate any information on the activity of persons purporting to sell Crown land and on those committing fraud and related profiteering in relation to Crown land. The police will vigorously investigate and pursue those persons engaged in this activity. Recovery of the proceeds of this crime will also be a high priority.
- the Commissioner of Police will be personally responsible for providing quarterly reports to the Governor and the Attorney General on the progress and outcome of investigations.





## **Protection of environmentally sensitive areas**

Environmentally sensitive areas are especially important to the Turks and Caicos Islands as these areas form the essential character of the islands themselves and are a major reason why the Turks and Caicos Islands attracts tourism.

The government, the citizen and the wider business community all have a role to play in ensuring that development and activities within these sensitive areas are carried out in a manner consistent with the law and with due regard to environmental and planning legislation.

The Government will ensure that:

- Crown land parcels within protected areas will be subdivided or amalgamated so as to fall wholly within or without such areas to permit ready identification and ensure that the potential for administrative errors is reduced.
- a prominent note shall be endorsed upon the face of any register of title where the land parcel falls wholly or partly within any protected areas in order that the status of the land parcels is clear to owners, intending purchasers and mortgagees.
- comprehensive management plans for each protected area shall be developed. Each management plan will include detailed proposals for opening up appropriate sites to public use, details of access infrastructure and, within a specific management framework for each site, a definition of development that will or will not comply with “conforming use” criteria for that site.

In principle “conforming use” in each site designation should comply with the following:

- National Parks - “conforming use” should be to encourage / provide access to the park and its resources, and to facilitate public use of the natural resources of the park for recreational purposes without compromising its natural values for which it has been given park designation
- Nature Reserves - “conforming use” should be to provide public access to the reserve, and to facilitate enjoyment of the natural features and resources of the reserve without compromising the underlying ecology and natural values for which the reserve has been designated
- Sanctuaries - “conforming use” should mean that no building / development will be allowed except that it be for the explicit and necessary purpose of the management and conservation of the features / species / ecosystems for which sanctuary status has been designated, and that any access or recreational activity conforms with a code of conduct developed specifically to protect the particular interests of the sanctuary



- Sites of Historic Interest - “conforming use” should be to facilitate public access to the site, to enhance, in the historical context of the site, the experience of the visit to the site by the public, commensurate with the over-riding requirement to preserve and conserve the historic features of the site for the benefit of future generations.

## Section 3 - Redefining the priorities for the use of Crown land

In the past the emphasis has been on the use of Crown land primarily for residential and commercial purposes. However, there are other competing pressures on the limited amounts of Crown land remaining that will need to be addressed. The priority will be to balance the competing key demands on Crown land, suitable for development, to best effect for the greater good of the Belongers of the Turks and Caicos Islands.

### **Provision of land for government purposes**

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 more vital areas 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 Turks and Caicos Islands by keeping recurrent accommodation costs under control.

The Government will ensure that:

- 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.
- the Crown Land Unit will identify priorities for Crown land allocation for government use based on the inventory of government real estate and the potential to reduce recurrent costs. The ultimate aim is to ensure that the majority of government real estate needs are met through the efficient use of Crown land.
- where Crown land is used for government purposes, the relevant department shall account for that use using a full market rent in their annual accounts to ensure that they are making best use of the Crown land that they have the benefit of. This is to encourage departments to be responsible and efficient in their use of these valuable assets and to provide a financial incentive to only use sufficient Crown land for essential government purposes.





### **Provision of social and emergency housing**

Crown land may be allocated for the purposes of providing social housing or for providing emergency shelter or emergency accommodation for those faced by environmental, or man-made, disaster. The provision of such accommodation and shelter will form part of an integrated approach by government.

The Government will ensure that:

- the provision of short term social housing or temporary emergency accommodation will take priority over residential and commercial calls on Crown land and will also include places of safety for vulnerable individuals and accommodation for young offenders.
- the Crown Land Unit will assist by helping to establish systems and procedures to identify suitable parcels of land for such activity.

### **Access to land for recreational use**

The Turks and Caicos Islands have a reputation for being “beautiful by nature”. Access to land for recreational purposes will allow that beauty to be appreciated by everyone including visitors to the islands.

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

- access points
- nature trails
- vantage points
- public parks
- access to historical areas of interest

The Government will ensure that:

- the Crown Land Unit will operate a system of licences or leases when providing suitable Crown land, to enhance recreational use and facilitate access for the general public. Licence and lease fees collected will be used to fund the provision of inspectors or rangers who will be responsible for the administration, fee collection and enforcement of licence and lease provisions for the benefit of the people of the Turks and Caicos Islands and visitors.
- enterprises that enhance the tourist appeal of the islands and provide genuine, and environmentally sensitive, leisure opportunities for everyone will be particularly encouraged.



## **Access to land for residential use**

Crown land has an important part to play in providing and enabling access to land for residential purposes. Most of the Crown land suitable for residential development has already been allocated and so a more measured and calculated effort will be required to identify further residential land opportunities and to maximise the potential of the remaining suitable Crown land.

The Conditional Purchase Leases method of acquiring land has been fraught with difficulty. Few leaseholders managed to either develop their land in time denying others the chance to develop the land successfully, or make the low rent payments. This has placed the Government in the difficult position of having to pursue rental arrears or the recovery of land.

The Government will ensure that;

- the Crown Land Unit will work closely with other government departments and agencies to identify areas of remaining Crown land that could be used for residential development. This will be achieved through the use of the comprehensive Crown Land Inventory covering all of the islands.
- the Crown Land Unit will develop a range of options and approaches for making land available, including the use of public / private partnerships, to provide sustainable housing for continuing residential use by Turks and Caicos islanders. These options will replace the former Conditional Purchase Lease process.
- Crown land for residential purposes will be offered on a freehold or long leasehold basis and will also be subject to a right of pre-emption in order to ensure the continuing best possible use of residential housing provision. This means that beneficiaries of discount schemes will have to offer their properties to similarly qualified individuals or else offer the property back to government for subsequent allocation or resale. This will help maintain adequate housing provision for Turks and Caicos islanders.
- the sale of Crown land for residential purposes will be guided by the principles of any targeted discount schemes and eligibility criteria. Exceptionally, where circumstances dictate that such schemes cannot, or ought not to be applied, residential housing sales will be undertaken at full market value through a transparent, public competitive tendering process, similar to that of commercial property.

## **Residential plot sizes**

As the availability of Crown land has diminished the plot sizes previously allocated in accordance with the 2005 Crown Land Policy are no longer sustainable. In recent years, residential plot sizes have averaged around half an acre but in the future plot sizes will be smaller, typically less than a quarter of an acre, and general housing densities increased to provide greater utility.



## Commercial developments

Responsible and sustainable commercial development is key to the long term prosperity and security of the Turks and Caicos Islands. Crown land should no longer be seen as the first option for commercial development since significant amounts of privately held land are now available in a competitive market and suitable for commercial enterprise.

Crown land allocation for commercial purposes may therefore provide an alternative means of access to land for the commercial developer where the private land markets are unable to provide such a service. Crown land for commercial purposes will be available on a long leasehold basis. In addition, unless there are compelling arguments in the public interest, commercial developments will not normally attract concessions, fee reductions or immunity from future liabilities.

The Government will ensure that:

- Crown land will only be allocated and utilised for commercial development purposes where:
  1. the private land market is unable to fulfil the particular development need
  2. a viable and detailed business case has been demonstrated
  3. the amount of Crown land allocated is commensurate with the planned development
  4. a clear and continuing benefit will accrue to the Turks and Caicos Islands
- other commercial sales of Crown land will be undertaken through a transparent, public competitive tendering process. Commercial developers will, in all cases, be required to produce a business plan that demonstrates their intended use of the land in question, and the degree to which the land will be utilised by the enterprise.

This is to ensure that developers tailor their land requirements to match their intentions and do not engage in land banking or speculation as an adjunct to their core planned business activity. Similarly, any grant of land for commercial use will contain conditions that ensure the appropriate future commercial use of that land.

- commercial development that provides for the creation of job opportunities will be particularly encouraged. Commercial development that results in the provision of quality, affordable housing will also be encouraged.



### **Infill development**

Infill development is the completion of partly developed housing layouts, and may include vacant areas between existing buildings or plots and should be encouraged to gain the maximum utility of the land.

The Government will ensure that:

- best use will be made of existing subdivisions of Crown land where plots have previously been allocated and then have reverted to the government through non-payment of rent, lack of timely development or any other breach of the conditional purchase leases. This will include further subdivision of previous plots or amalgamation and then subdivision to ensure that the maximum number of plots can be made available.
- Crown land suitable for infill development will be identified by the Crown Land Unit who will then work to ensure that best use of that land is made for the benefit of all Turks and Caicos Islanders.

## **Section 4 - Redefining the eligibility criteria for access to Crown land**

### **Eligibility for Crown land**

The amount of Crown land available for future allocation or sale has been severely reduced by the liberal allocation policies of the past. As such, the previous general provisions of the 2005 Crown Land Policy are no longer tenable since the vast majority of Crown land has already been allocated to Belongers and to Belonger controlled companies.

Even with stricter eligibility criteria, future generations will in the main only be able to gain access to land through the private market place as the finite supply of Crown land diminishes even though their needs are just as great as those of the present generation.

### **Residential**

The Government will ensure that with limited suitable Crown land remaining, only Belongers, aged 21 or over, who have not yet received an allocation of residential Crown land or any related assistance or benefit, may now be considered for any allocation, discount or incentive in relation to Crown land for residential purposes.

As current pending applications for residential Crown land allocations do not contain sufficient detail to assess eligibility criteria, persons still wishing to proceed with their pending requests for allocation of Crown land for residential purposes should resubmit their applications if they meet the eligibility criteria.



## **Commercial**

The Government will ensure that new applications for commercial land will continue to be considered provided they are compliant with the specifications for applications for commercial land in this policy. Developers still wishing to proceed with their pending requests for allocation of Crown land for commercial purposes should resubmit their applications ensuring that the supplementary information is included.

## **Additional exclusions**

The Government will ensure that abuses of Crown land and anti-social and criminal behaviour in relation to Crown land are actively discouraged. Those persons who actively damage, encroach upon, or illegally profit from Crown land will, by their own actions, disqualify themselves from receiving any future allocations, discounts or incentives. In practice, this means persons convicted of any offence in relation to Crown land including, but not limited to, littering, trespass, illegal occupation, fraud and criminal damage will no longer be eligible for further allocations, discounts or incentives in relation to Crown land.

Any existing Crown land conditional purchase leases they hold will be terminated in the event of a conviction. This also includes any person subject to any compliance or stop notice in relation to Crown land who then fails to comply with that compliance or stop notice within the time specified in the notice. They will, similarly, no longer be eligible for further allocations, discounts or incentives in relation to Crown land. Any existing Crown land conditional purchase leases they hold will also be terminated.

## **Section 5 - Other matters**

### **Crown Land Fund**

The Government will establish a Crown Land Fund, using a proportion of fines levied by the court in respect of illegal occupation, to be administered by the Crown Land Unit with the purpose of:

- keeping the costs of administering the Crown land policy to a minimum
- providing public information and community education programmes to deter further informal settlement activity
- meeting the costs of prosecution of informal settlement
- meeting the costs of restorative action to reduce the impact and effect of informal settlement activity
- assisting in the relocation of informal settlers with a genuine housing need



## **Valuation of Crown land**

The Government will ensure that:

- the basis of valuation for Crown land shall always be the market value in an arms length sale between a willing seller and buyer.
- the Valuation Department shall maintain a register of past valuations to ensure an appropriate body of valuation evidence is available to provide open market comparables.
- valuation irregularities shall be investigated as they are discovered or disclosed and appropriate remedial action will be taken. In cases where criminal evasion of fees and duty are uncovered, prosecutions will be undertaken to recover monies owed to government.

## **Prior discounts**

The Government will ensure that retrospective investigations will be undertaken to determine whether previous discounts in relation to Crown land purchases have been appropriately discharged.

New discounts applied to leases or purchases of Crown land will be secured in a manner that provides for ready enforcement of discount provisions.

## **Past activity in relation to Crown land**

Systematic reviews will be undertaken to ensure that due process and procedure was followed in relation to Crown land allocation, discount, sale or lease. Where irregularities are found, rectification will be sought by the Crown Land Unit. Rectification may be achieved by administrative, civil or statutory recovery methods.

The outcome of any rectification process will be published in the interests of transparency and accountability.

## **Transitional provisions**

Under the former Crown land policy, which came into effect on 2 November 2005, substantial discounts were made available on vast tracts of land at a considerable cost to government in the billions of dollars and allowed significant areas of heritage land to be permanently transferred into private and corporate freehold ownership.

In order to bring this unsustainable policy to an end without disadvantaging those who entered into agreements in good faith the following commitments will be undertaken.



The Government will ensure that:

- no renewals of offers of allocation or conditional purchase leases where the terms of the lease have not been substantially complied with will be made unless there is a clear and compelling argument in the public interest to do so.
- persons holding expired conditional purchase leases who have substantially met the terms and conditions of those leases may either purchase their freeholds outright or may instead opt for a final extension of their lease in accordance with published Crown Land Unit procedure. Any extensions will always be subject to revaluation at current market values and to prompt payment of any outstanding rents and fees and compliance with planning requirements and procedure.
- existing applications for residential Crown land do not contain sufficient detail to allow any eligibility criteria to be assessed. Persons still wishing to proceed with their pending requests for allocation of Crown land for residential purposes should resubmit their applications if they meet the eligibility criteria. Pending applications for commercial land may need to be supplemented with additional information in accordance with this policy.
- discounts given under the former Crown land policy will continue to be repayable and will continue to be secured by way of a charge upon the land until their expiry or earlier settlement.
- arrears owing in relation to conditional purchase lease agreements or long leases made by the Crown will be recovered. The names of debtors and the amounts owing will be made publicly available in the interests of transparency and accountability.

### **Crown Land Ordinance**

The Government will ensure that a Crown Land Ordinance that substantially includes the provisions of this policy will be enacted as soon as practicable.

### **Future policy amendments**

This policy is subject to continuous amendment as circumstances dictate.

### **Effective date**

This policy takes effect from 14 July 2011.