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CHAPTER 62:01

STATE LANDS ACT

**An Act to provide for the proper regulation of the State Lands,
Rivers, and Creeks of the State.**

1929 Ed.
c. 171
1953 Ed.
c. 175

32 of 1903

[26TH SEPTEMBER, 1903]

1. This Act may be cited as the State Lands Act.

Short title.

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Interpretation.
[1 of 1972]

2. In this Act—

“boat” means any vessel of craft, and includes the tackle, apparel, and furniture belonging thereto or used therewith;

“Commissioner” means the Commissioner of Lands, or, in the absence of the Commissioner, the officer of the department next in rank;

“department” means the Lands Department;

c. 65:01 “mineral” means gold, silver, precious stones, and any valuable mineral to which the Mining Act applies;

c. 67:01 “officer” means any officer of the department, and any forest officer under the Forests Act;

“State lands regulations” means any regulations made under the authority of section 17;

“vehicle” means anything used in conveying on land any substance or thing seized or liable to seizure under this Act, and includes any animal attached to or used with the vehicle, together with all harness, tackle, and appurtenances.

GRANTS, LEASES AND LICENCES

Issue of grants,
leases and
licences.
[4 of 1972
9 of 1977]

3. (1) Subject to this Act or the Forests Act, the President may—

(a) make absolute or provisional grants of any State lands of Guyana, subject to such conditions (if any) as he thinks fit or as are provided by the regulations for the time being in force;

c. 67:01 (b) grant leases of any State lands of Guyana for such terms, and subject to such conditions (if any) as he thinks fit or as are provided by those regulations, or the Forests Act or any regulations made thereunder;

(c) subject to paragraphs (e) and (f), authorise the Commissioner to issue licences to occupy any State lands for any of the following purposes, namely, agriculture or

taking or obtaining any substance or thing found in those lands, or any other purpose beneficial to the occupier;

(d) subject to paragraphs (e) and (f), authorise the Commissioner to give permission to occupy any of those lands for any of those purposes, or to take or obtain any substance or thing found therein without giving any exclusive right to occupy any specified part thereof;

(e) authorise the Conservator of Forests to issue licences to occupy any State Lands for the purpose of cutting wood in the forest thereon, or of taking or obtaining any balata or such other substance or thing found in those lands as the Minister may by order designate for the purposes of this paragraph, or to give permission to occupy any of those lands for any of the purposes mentioned in this paragraph without giving any exclusive right to occupy any special part thereof; or

(f) authorise the Commissioner of Geological Surveys and Mines to issue licences to occupy any State Lands for the purpose of quarrying stone, or gravel, or kaolin and other clays, or taking or obtaining any stone or such other substance or thing found in those lands as the Minister may by order designate for the purposes of this paragraph, or to give permission to occupy any of those lands for any of the purposes mentioned in this paragraph without giving any exclusive right to occupy any specified part thereof:

Provided that no grant, licence or permission, shall be issued under this Act authorising anyone to take or obtain from State lands any mineral, but all licences to take or obtain minerals shall be issued under the Mining Act.

c. 65:01

(2) References in this Act to the 'Commissioner' shall, in so far as they relate to any matter for which—

(i) the Conservator of Forests may be authorised under subsection (1)(e);

(ii) the Commissioner of Geological Surveys and Mines may be authorised under section (1)(f),

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shall be construed and have effect as references to the Conservator of Forests and the Commissioner of Geological Surveys and Mines, respectively and any authority conferred upon the Commissioner prior to the coming into operation of the subsection in respect of the matters referred to in paragraphs (i) and (ii) respectively shall have effect as an authority conferred upon the Conservator of Forests and the Commissioner of Geological Surveys and Mines, as the case may be.

Conversion of State lands into Government lands.
[4 of 1972]

4. Whenever the President deems it expedient that any State lands should be converted into Government lands, the President may issue a grant of those lands, subject to such conditions (if any) as he thinks fit, to the Commissioner and his successors in office for and on behalf of the State as Government lands and thereupon such lands shall be held by the Commissioner and his successors in office as Government lands.

CONDITIONS AND LIMITATIONS

Reservation of minerals.

5. No grant or sale of any State lands made under this Act shall be deemed to confer any right to any mineral therein, and all minerals notwithstanding the grant or sale, shall be deemed to remain and, shall remain the absolute property of the State.

Where grant or licence is to be set up for sale at auction.

6. (1) The President, in any case in which he deems it expedient to do so, may direct that any grant, licence, or permission shall be exposed to public competition at auction.

(2) Unless the President in any case otherwise directs, when two or more applications are made in respect of the same tract of State land, all being for a grant thereof, or all for a licence of occupancy thereof, for the same purposes, and more than one of the applications are received before notice of any one of them has been published, the grant or licence of occupancy for which application is made shall be exposed to public competition at auction.

(3) When two or more applications are made in respect of the same tract of State land, some being for a grant and some for a licence of occupancy for a stated purpose, or all being for licences of occupancy but not all for the same purpose, and more than one of the

applications are received before notice of any one application has been published, the President shall direct that a grant, or (if it appears to him expedient) a licence of occupancy for any of the said purposes he deems best, shall be exposed to public competition at auction.

(4) In all cases other than those hereinbefore specified, no grant or licence of occupancy for which application is made shall be exposed to public competition at auction unless the President in any case otherwise directs.

7. Where a grant, licence, or permission, is exposed to public competition, the following regulations shall be observed:

Where grant or licence put up to auction.

(a) public notice of the time and place at which the grant, licence or permission will be exposed to public competition shall be given for at least twenty-one days before the day on which it is so exposed to public competition;

(b) the Commissioner, or any officer of the department authorised by the Commissioner, shall expose to public competition at auction the grant, licence, or permission which the Government has sanctioned being so exposed at auction;

(c) where application is made under this Act, for any grant, licence, or permission, the land proposed to be comprised in the grant, licence, or permission may be exposed to public competition at auction as a whole, or may be divided and separately exposed to public competition, as appears to be most advantageous to the public interest; and

(d) the person offering the highest sum at the public competition shall, if a grant, licence, or permission is issued to him, pay the auction duties payable by the purchaser on sales at public auction.

8. Where a grant, licence, or permission is exposed to public competition, the person offering the highest sum (if the highest sum is equal to or above any upset price fixed) shall be deemed to have a preferent claim to the grant, licence, or permission if the President deems it expedient to issue it, but nothing herein contained shall be deemed to give anyone a right thereto.

Right of highest bidder.

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Objection to grant or licence.

9. Anyone claiming any interest in land proposed to be included in a grant, licence, or permission under this Act or having any reason to oppose the issue of a grant, licence, or permission, may lodge in the office of the Commissioner his reasons for opposition, which must be in writing, and the grant, licence, or permission so opposed shall not be issued until the President has decided on the validity of the opposition.

No right to issue of grant or licence.
[4 of 1972]

10. In no case whatsoever shall it be compulsory on the President to grant, sell, or dispose of any portion of the State lands of Guyana, or to issue any licence or permission under this Act.

Power to resume for public purposes lands licensed.

11. The President may at any time direct that any land specified on a licence or permission shall be taken and used for public purposes, on payment of such compensation as, having regard to all the circumstances of the case, he deems reasonable.

Power of entry and search.
c. 67:02

12. Any officer of the department and any forest officer under the Forests Act may, with his assistants, if any, at any reasonable time, enter upon any vessel, wharf, or premises, and search for, and if found inspect, any article which he has any reasonable ground to believe has been illegally obtained from the ungranted or unlicensed State lands of Guyana.

Continuance of conditions of grant notwithstanding sale or mortgage.

13. Anyone who by any transport, conveyance, or devolution of any kind or description, becomes the owner of any State lands whereof a grant, subject to conditions, has been made, during the period for which those conditions are framed to subsist, shall, notwithstanding any of the regulations for the time being in force authorising the transfer or mortgage of those lands, during the subsistence of the conditions as private lands, and, notwithstanding any Act or law to the contrary, hold those lands subject to the same terms and conditions as if he had been the original grantee thereof.

FORFEITURE AND DETERMINATION OF GRANT, LICENCE, OR
PERMISSION

14. Where any condition of any grant, licence, or permission is not fulfilled, or where any regulation is not observed, the grant, licence, or permission may be revoked by the President and it shall thereupon cease and determine. When grants determined.

15. Where any grant, licence, or permission in any way determines, all buildings and erections on the land at the time when it determines, shall belong absolutely to the State. Effect of determination.

16. Where any grant, licence, or permission determines in consequence of non-compliance with any condition or any of the regulations, the unpaid portion of any rent to be paid in respect of the unexpired portion of the term mentioned in the licence or permission shall fall due and become payable and may be recovered by parate execution against the licensee or holder of the permission and his sureties. Unpaid rent may be recovered by parate execution on determination of grant. [22 of 1932]

GENERAL REGULATIONS

17. (1) Subject to negative resolution of the National Assembly, the Minister may from time to time make regulations for any of the purposes of this Act. Regulations. [6 of 1997]

(2) The regulations may prescribe the fees, royalties, and rents payable or chargeable for or in respect of all matters under this Act.

(3) Any regulation may provide that—

(a) anyone not complying therewith shall be liable to a penalty not exceeding forty-eight thousand seven hundred and fifty dollars;

(b) in the event of non-compliance therewith, any grant, licence, or permission shall be revoked in addition to any other penalty;

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(c) the holder of any grant, licence, or permission shall be liable for any penalty for a breach thereof committed by any member of his family, or by anyone living with or employed by him.

(4) The regulations shall be published in the *Gazette* and shall have the force of law.

Power to make regulations prescribing fees for the use of canals and dams.

(5) The Minister may make regulations relating to the use of canals and dams constructed on State lands not held under grant, lease, licence or permission, and may in such regulations prescribe the tolls to be charged, levied and collected for the passage of boats of any kind along any canal and for the privilege to catch fish therein and for the right of passage over or along any dam.

(6) In subsection (5) the expression “canal” includes “trench”.

REGULATIONS AS TO RUPUNUNI CATTLE TRAIL

Rupununi cattle trail. [36 of 1930]

18. (1) The Minister may prescribe by regulation the payment of tolls for the passage of cattle over the trail or path made through the State savannahs and forests extending from Annai on the Rupununi river by way of Kurupukari on the Essequibo river to terminal points at Takama on the Berbice river, and Hyde Park on the Demerara river, including any extensions or deviations of the path hereafter made.

(2) The Minister may make regulations—

(a) as to the tolls which may be charged in respect of the passage of cattle over the trail and the collection thereof; and

(b) generally, for carrying into effect the provisions of this section.

Collection of tolls.

(3) Where any person has by contract with the Government undertaken the maintenance of the cattle trail, the Minister may authorise in writing such person to collect and retain all tolls which are payable by virtue of this section.

(4) Any person so authorised as aforesaid shall without further authority be entitled to take all necessary proceedings in any competent court to enforce payment of any such tolls.

19. Everyone who commits a breach of any of the regulations for which no special penalty is provided shall be liable to a fine of nine thousand seven hundred and fifty dollars.

Penalty where no special penalty imposed.
[6 of 1997]

OFFENCES

20. Everyone who trespasses on or unlawfully occupies any of the State lands shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months:

Trespass on State lands.
[6 of 1997]

Provided that—

(a) no one shall be deemed a trespasser on, or to have unlawfully occupied, any of the State lands under this section who proves, to the satisfaction of the magistrate before whom he is brought—

(i) that he was travelling and reasonably occupied or used the lands for the purposes of his journey; or

(ii) that he was authorised to occupy or use the lands by the Minister or by any other person having authority under this Act or any other written law; or

(iii) that he, or those through whom he claims, occupied the lands under a *bona fide* claim of right; and

(b) where anyone is convicted for a first time under this section he shall not be liable to imprisonment, whether in default of paying any penalty or otherwise if he thereupon surrenders peaceable possession of all the State lands occupied by him, with all the crops growing thereon, and all buildings and erections thereupon or affixed thereto.

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Taking
anything from
State lands.
[11 of 1971
4 of 1972
6 of 1997]

21. (1) Save as hereinafter excepted, everyone who takes any substance or thing from or off the State lands shall be liable to a fine of one hundred and thirty thousand dollars and to imprisonment for twelve months; and the substance or thing shall be deemed to be forfeited and condemned.

Exceptions.

(2) The following are the exceptions, that is to say, where the person—

(a) holds a grant of the lands from or off which the substance or thing was taken, and is authorised by the grant to take it;

(b) holds a licence or permission under this Act to take the substance or thing from or off the lands;

(c) is the servant or agent of anyone holding the grant, licence, or permission, referred to in the two previous paragraphs, and is acting within the privileges conferred by the grant, licence or permission;

(d) is travelling, and reasonably takes the substance or thing to enable him to support life or to continue his journey;

(e) is lawfully travelling, and takes the substance or thing for any purpose other than the purpose of profit or gain; and

(f) has applied for a grant, licence or permission, and the Commissioner in pursuance of any regulation made in that behalf, grants permission to take any substance or thing from the land for which application has been made.

Impeding
navigation of
river and
creek.
c. 67:01
[6 of 1997]

22. (1) Everyone who wilfully causes any impediment to the free use or navigation of any river or navigable creek, shall be liable to a fine of ninety-seven thousand five hundred dollars, unless he has previously obtained permission under this Act or the Forests Act to cause the impediment.

(2) Everyone who negligently allows anything to fall into a river or navigable creek, whereby the free use or navigation of the river or creek is impeded, or who, by any negligent act or omission, causes the free use or navigation of the river or creek to be impeded, shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

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(3) Anyone who blasts any rock in the bed of a river or navigable creek, or who removes any stone or other material therefrom without permission under this Act or the Forests Act, shall be liable to a fine of ninety-seven thousand five hundred dollars.

(4) The Commissioner of Lands or the Conservator of Forests, may sanction the temporary placing of any impediment in a river or creek, for such time as may be expedient and on such conditions as to the Commissioner of Lands or the Conservator of Forests may seem proper:

Provided that the construction, by anyone authorised to cut wood, or to search or mine for minerals, of a temporary stop-off or obstruction, made for the purpose of raising the water in a creek to facilitate his business, shall not be deemed to be an offence under this section.

23. Everyone who obstructs any officer or person acting under this Act shall be liable to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for two months.

Obstruction of officer.
[of 1997]

24. If the holder of a licence or permission issued under this Act unlawfully causes or procures, or incites or aids, anyone to commit trespass on State lands, or to remove anything seized under this Act, he shall be liable to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for two months, and shall in addition forfeit his licence or permission.

Incitement by holder of licence to commit offence.
[6 of 1997]

SEIZURES

25. (1) Any officer of the department, forest officer under the Forests Act, district commissioner, member of the police force or rural constable, if that constable is authorised in writing by the Commissioner of Police to make seizures, may seize and take possession of any substance or thing illegally taken from or off the State lands, together with any boat or vehicle used in the removal thereof, and all tools and implements found with or in the possession of

Seizure of thing illegally taken from State lands.
c. 67:01

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the person having the substance or thing, and every article so seized under this Act shall be deemed and taken to be forfeited and condemned.

(2) Before seizing any article under the last preceding subsection the officer, district commissioner, or constable, may take and detain the article for so long as may be reasonably necessary to make inquiries respecting it.

Notice of seizure.
[33 of 1930]

26. Where any article is so seized, the magistrate of the district in which the article was seized shall advertise it for four successive Saturdays in the *Gazette*, for sale on a specified day at some convenient place, and, on the day appointed the article shall be sold publicly by, or by order of the magistrate, unless the person claiming it, or someone authorised by him in writing, gives notice in writing to the magistrate on or before the third Saturday that he intends to claim it.

Claim to article seized.

27. No claim to any article seized under this Act shall be entertained unless the claim is entered in the name of the person who removed the article, or in the name of someone who in the claim states himself to be at the time of making it the person *bona fide* entitled to the article, and unless the sum of twenty-four dollars is deposited with the magistrate in security to pay any costs that may be awarded in the event of judgment being given against the claimant.

Burden of proof to be on claimant.

28. The proof of the illegality of any seizure made under this Act shall be on the claimant of the article seized, and the proof of the legality thereof shall not be on the seizing officer; and if, upon any trial or proceeding, a question arises whether anyone acting as a seizing officer under this Act is that officer, evidence of his so acting shall be deemed sufficient, and he shall not be required to produce his commission, warrant, or authority.

Adjudication on claim.
[33 of 1930]

29. (1) Any claim made under this Act shall be proceeded with before the magistrate at some time to be fixed by him, and the magistrate shall adjudicate upon the claim, and if condemned the article shall be sold publicly by, or by the order of, the magistrate after advertisement of the day of sale for four successive Saturdays in the *Gazette*.

(2) The Minister may, by general regulation or special order, direct that an upset price shall be fixed with respect to sales under section 27 or this section, and if, at any sale where the upset price is fixed a sum less than the upset price is offered for any of the articles so put up for sale, such article shall become the property of the State.

30. Where any article is seized, the Director of Public Prosecutions may authorise the release thereof on sufficient security being given to pay the value thereof if it is condemned, and thereupon the proceedings shall continue in all respects as if the article had not been released, except that on final sentence of condemnation the amount so secured shall become payable and may be recovered by the State, by parate execution.

Release of article seized, on security given.

31. (1) If, on the trial of any claim in respect of any detention or seizure made under this Act, the decision is in favour of the claimant and the magistrate in case of there being no appeal, or the judge or court in case of there being an appeal, certifies on the record that there was a probable cause of detention or seizure, the claimant shall not be entitled to any costs; nor shall any action, suit, indictment, or other prosecution in respect of the detention or seizure be thereafter commenced or further carried on against the person who made it.

Protection to officer where probable cause of detention exists.
[4 of 1972
6 of 1997]

(2) Where any action, suit, indictment, or other prosecution against anyone in respect of a detention or seizure made under this Act is brought to trial, and judgment or sentence is given against the defendant, and the judge or court before whom or which the trial takes place certifies on the record that there was a probable cause of detention or seizure, the plaintiff in the action or suit, besides the articles detained or seized or the value thereof, shall not be entitled to more damages than five cents or to any costs of suit, and the defendant in the indictment or prosecution shall not be liable to any punishment beyond a fine of sixty-five dollars.

32. (1) If any officer authorised by this Act to seize an article makes a collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize, an article liable to forfeiture, or takes a bribe, gratuity, recompense, or reward, for neglect or non-performance of his

Collusive seizure or non-seizure, or abandonment of seizure.
[6 of 1997]

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duty, the officer shall for each offence be liable to a fine of ninety-seven thousand five hundred dollars, and be rendered incapable of serving the State in any office whatever.

Bribing
officer.

(2) Everyone who gives or offers, or procures to be given or offered, any bribe, recompense, or reward to, or makes any collusive agreement with, any officer aforesaid to induce him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of this Act may be evaded, shall be liable to a fine of ninety-seven thousand five hundred dollars.

Illegal
removal.
[6 of 1997]

33. Everyone who unlawfully removes or attempts to remove, anything seized or detained by any officer authorised to make a seizure, or wilfully defaces or removes any notice affixed by that officer under this Act, shall be liable to a fine of nineteen thousand five hundred dollars and to imprisonment for six months; and if the person convicted is the holder of a wood-cutting licence or permission, or of a licence or permission of occupancy, he shall in addition forfeit his licence or permission.

Power to
restore article
seized or to
mitigate
penalty or
forfeiture.

34. (1) The Minister may order any article seized or forfeited under or by virtue of this Act to be restored in any manner, and on any terms and conditions he thinks fit to direct, and may also remit or mitigate any fine, penalty, or forfeiture incurred under this Act.

(2) Every fine, penalty, or forfeiture so mitigated shall be appropriated and divided in accordance with the terms of the order of the Minister.

MODE OF DEALING WITH OFFENDERS

Arrest.
[4 of 1972]

35. Every officer of the department and every police officer or constable may arrest anyone wilfully trespassing on, or unlawfully occupying, any of the State lands or any State forests, or who illegally takes therefrom any substance or thing.

Proceeding by
summons.

36. Wherever under this Act a right of arrest is given, it shall be lawful to proceed by way of summons instead of arrest, at the discretion of the complainant or officer.

RIGHT OF ENTRY

37. Any officer of the department, any forest officer under the Forests Act, and any district commissioner, by himself or with any servants and assistants he desires may enter on any State lands held under a grant which has been issued subject to any conditions, or held under any licence, and may inspect the lands.

Power of entry given to certain officers. c. 67:01

38. (1) Wherever labour is employed on State Lands which are subject to a lease, licence or permission, any person on producing proof to the holder of the lease, licence or permission, or to his agent, that he is a representative of a trade union registered under the Trade Union Act, or an official of an organisation approved by order of the Minister responsible for labour for the purposes of this section, may enter at any reasonable time any such State Lands for the purpose of—

Representatives of trade unions and officials of approved organisations may enter State Lands. [9 of 1977 6 of 1997]

- (a) holding discussions with persons employed thereon on the conditions of their employment;
- (b) making representations to the employer on behalf of the persons so employed; or
- (c) recruiting persons so employed as members of the trade union or organisation, as the case may be.

(2) The requirement to permit an entry authorised by subsection (1) shall be deemed a condition of every lease, licence or permission to which that subsection applies and a breach of that condition on more than one occasion shall render the lease, licence or permission liable to be terminated in accordance with section 14.

(3) Any person who hinders or obstructs a representative or an official referred to in subsection (1) in the exercise of his powers of entry under that subsection or in the carrying out of the purposes thereof shall be liable on summary conviction to a fine of eight thousand two hundred and fifty dollars and to imprisonment for three months.

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(4) Any person who falsely holds himself out as a person authorised to enter upon State Lands by virtue of this section (the burden of proof that he is so authorised being upon him) shall be liable on summary conviction to a fine of twenty-seven thousand five hundred dollars and to imprisonment for six months.

(5) The provisions of subsections (1) to (4) inclusive shall in so far as they apply to a representative of a trade union or an official apply *mutatis mutandis* to a Member of the National Assembly for the purposes of the exercise by him of the privileges and powers conferred by subsection 1(a) upon such a representative or official.

Commissioner may authorise public officer to exercise powers.

39. The Commissioner may authorise in writing any public officer to exercise all or any of the powers conferred on an officer of the department under sections 12, 25, 35 and 37 or any of the regulations.

SAVINGS

Monetary dues to be paid to Accountant General.
[O. 34/1962]
Reservation of rights of the State.
[O. 34/1962
4 of 1972]
Protection of rights of Amerindians.
[4 of 1972]

40. All rent, fees or other moneys payable under this Act shall be paid to the Accountant General.

41. Nothing in this Act shall extend to or abridge or affect the prerogative of the State in relation to the State lands of Guyana.

42. Nothing in this Act shall be construed to prejudice, alter, or affect any right or privilege heretofore legally possessed, exercised, or enjoyed by any Amerindian in Guyana:

Provided that the Minister may, from time to time, by publication in the *Gazette*, make any regulations to him seeming meet defining the privileges and rights to be enjoyed by Amerindians, in relation to the State lands and the rivers and creeks of Guyana.

Appointment of government stations.

43. The Minister may appoint government stations in any places he thinks fit for the purpose of this Act, and of the regulations, and each appointment shall be notified in the *Gazette*.

PROCEDURE

44. (1) Any offence created or penalty imposed by this Act or by the regulations may be prosecuted or recovered under the Summary Jurisdiction Acts. Prosecutions of offences.

(2) A complaint for an offence against this Act or the regulations shall be made within twelve calendar months from the time when the matter of the complaint arose, and when the offence has been committed within the jurisdiction of one magistrate, and the Commissioner certifies in writing that in his opinion the complaint for it can be more conveniently or fairly heard before the magistrate of any other district in Guyana, the last-mentioned magistrate may, and he is hereby required to hear and determine the complaint as if the offence had been committed within his jurisdiction:

Provided that the venue shall not be changed except with the approval of the Director of Public Prosecutions.

45. The Minister may direct what forms shall be used in any proceedings under this Act, and those forms when published in the *Gazette* may be used for and in respect of the several matters therein mentioned. Forms.

46. Every magistrate, officer, or person acting under this Act shall be entitled to the benefit of the Justices Protection Act. Protection of officer acting under the Act. c. 5:07
