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THE OFFICIAL GAZETTE 22ND NOVEMBER, 2024
LEGAL SUPPLEMENT — C

BILL No. 16 of 2024

Friday 22nd November, 2024

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

22nd November, 2024.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 16 of 2024

ACQUISITION OF LANDS FOR PUBLIC PURPOSES (AMENDMENT) BILL 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 7 of the Principal Act.
3. Amendment of section 24A of the Principal Act.

A BILL

Intituled

AN ACT to amend the Acquisition of Lands for Public Purposes Act.

A.D.2024

Enacted by the Parliament of Guyana:-

Short title.
Cap. 62:05

1. This Act, which amends the Acquisition of Lands for Public Purposes Act, may be cited as the Acquisition of Lands for Public Purposes (Amendment) Act 2024.

Amendment of section 7 of the Principal Act.

2. Section 7 (1) of the Principal Act is amended as follows-

(a) by inserting immediately before the word "payment" the word "prompt";

(b) by inserting immediately before the word "compensation" the word "adequate"; and

(c) by inserting after the word "provided" the words ", but without prejudice to the State's right to vacant possession of the land".

Amendment of section 24A of the Principal Act.

3. Section 24A of the Principal Act is amended by substituting for that section the following-

"Advance payment.

24A. (1) Where any land is acquired under this Act an interested and authorised person may make a request to the Minister for an advance payment on account of any purchase money or adequate compensation payable under this Act, and if the Minister is satisfied of proof of title, the Minister shall promptly make an advance payment in respect of that land in accordance with subsection (3).

(2) Any request under this section shall-

(a) be made in writing; and

(b) contain particulars of the claimant's interest in the land and such other particulars as the Minister may reasonably require to enable him to estimate the amount of purchase money or adequate compensation in respect of which the advance payment is to be made.

(3) Subject to subsection (5), the amount of any advance payment under this section shall not exceed eighty per cent of an amount equal to the purchase money or adequate compensation as estimated by the Minister to be payable under this Act.

(4) Where an advance payment is made on the basis of an estimate under subsection (3) and the amount of that payment exceeds the purchase money or adequate compensation as finally agreed or determined, the excess shall be refunded.

(5) Where the land is the subject of a mortgage or any other similar registered encumbrance the Minister shall pay such advance payment as would be required for securing the release of the interest of the mortgagee or the creditor in that land.

(6) An advance payment on account of adequate compensation in respect of land which is the subject of settlement or trust whether express or otherwise,

shall be made to the persons entitled to give a discharge for capital money and shall be held and treated as capital money arising under settlement or trust.".

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Acquisition of Lands for Public Purposes Act, Cap. 62:05.

Clause 2 of the Bill seeks to amend section 7 (1) of the Principal Act by firstly providing that the vesting of the compulsorily acquired land in the State is subject to the prompt payment of the purchase money or of any adequate compensation. Secondly, the proposed amendment amends subsection (1) to guarantee the State's right to vacant possession of the land that is compulsorily acquired.

Clause 3 of the Bill substitutes for section 24A which deals with the payment of land bonds, a new section 24A. The new section establishes the legal framework for the Minister to make an advance cash payment to an interested and authorised person. An advance payment will only be paid after the land is acquired by the State, if requested by the interested and authorised person and where there is satisfactory proof of title. The advance payment shall not exceed 80 per cent of the purchase money or adequate compensation. Moreover, where the land is the subject of a mortgage or any other similar registered encumbrance, the Minister shall pay such advance payment as would be required for securing the release of the interest of the mortgagee or the creditor in that land. Further, an advance payment on account of adequate compensation in respect of land which is the subject of settlement or trust shall be made to the persons entitled to give a discharge for capital money.

Hon. Mohabir Anil Nandlall, SC, MP
Attorney General and
Minister of Legal Affairs