

LAWS OF GUYANA

LAND BONDS ACT

CHAPTER 62:07

Act

21 of 1959

Amended by

4 of 1972

35 of 1975

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Land Bonds

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CHAPTER 62:07

LAND BONDS ACT

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21 of 1959

An Act to make provision for the satisfaction of the whole or any part of the purchase money or of the compensation payable by the Government of Guyana in respect of the purchase or compulsory acquisition of any land by the issue of bonds, and for the issue, negotiability and redemption of such bonds, and the payment of interest thereon and for matters incidental to or connected with any of the foregoing purposes.

[5th DECEMBER, 1959]

Short title.

1. This Act may be cited as the Land Bonds Act.

Interpretation.

2. In this Act—
 “acquisition” means acquisition in the exercise of powers

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conferred by any law for the time being in force in relation to the compulsory acquisition of land;

c. 62:06

“land settlement scheme” has the meaning assigned to that expression by section 2 of the Acquisition of Land (Land Settlement) Act;

c. 5:01

“statutory claims” has the meaning assigned to that expression by section 2 of the Deeds Registry Act;

“vendor” means any person to whom any purchase price or compensation is payable in respect of the purchase or acquisition of any land.

Payment in land bonds with consent of vendor.

3. Where any land is purchased or acquired by the Government the purchase price or compensation payable to any vendor in respect of such land may by agreement between such vendor and the Government be paid either in whole or in part by the issue to such vendor of land bonds to a nominal amount equal to the whole of the purchase price or compensation or to such part thereof as may have been agreed to be so paid, as the case may be.

Payment in land bonds at discretion of Minister.

4. Subject to section 5, where any land is acquired by the Government for the purpose of a land settlement scheme the compensation payable to any vendor in respect of such land may in the absolute discretion of the Minister be paid either in whole or in part by the issue to such vendor of land bonds of such type as the Minister determines to a nominal amount equal to the whole of the compensation payable or to such part thereof as may be determined by the Minister, as the case may be.

Persons not required to accept land bonds.
c. 62:06

5. (1) Nothing in this Act shall be deemed to require a vendor to accept compensation in land bonds in respect of any land or part of any land unless commissioners appointed under section 7 of the Acquisition of Land

(Land Settlement) Act have reported to the Minister that such land or part thereof is not beneficially occupied or utilised for agriculture.

(2) No vendor being a mortgagee shall be required to accept payment of compensation in land bonds in respect of the whole or any part of the mortgage debt unless—

- (a) the Minister, by notice published in the *Gazette*, issues a Commission appointing one or more commissioners to determine whether or not the mortgage was executed by the mortgagor in contemplation of proceedings being taken to acquire the land the subject of the mortgage or in contemplation of the enactment of this Act and the mortgagee knew or had reason to suspect at the time of the execution of the mortgage that such was the case, and to report to the Minister in relation thereto; and
- (b) such commissioners report to the Minister that the mortgage was executed by the mortgagor in contemplation of proceedings being taken to acquire the land the subject of the mortgage or in contemplation of the enactment of this Act and that the mortgagee knew or had reason to suspect at the time of the execution of the mortgage that such was the case.

(3) Commissioners appointed under subsection (1) shall have all the powers, privileges, duties and obligations of, and shall for all purposes be deemed to be, commissioners appointed under the Commissions of Inquiry Act.

(4) Any person whose interests are or may be prejudicially affected shall be entitled to be heard by himself or by counsel before any such commissioners.

(5) Nothing in this Act shall be deemed to require any person entitled to compensation under section 11 or section 16(3) of the Acquisition of Lands for Public Purposes Act to accept such compensation in land bonds.

c. 62:05

Issue of land
bonds.
[35 of 1975]

6. (1) For the purposes of paying any purchase price or compensation which may be paid under this Act by the issue of land bonds, the Accountant General shall, subject to this section, create and issue when and as required land bonds in such form and of such denominations as may be prescribed.

(2) There shall not be outstanding at any one time land bonds to a nominal value in excess of one hundred million dollars or such greater value as may be appointed by resolution of the National Assembly. For the purposes of this subsection the outstanding value of any annuity bond shall be the surrender value as set out in the bond.

(3) Where the Minister has determined in accordance with this section 4 of this Act that any compensation should be paid whether in whole or in part by the issue of land bonds and were it not for the exercise of his power under section 24A of the Acquisition of Lands for Public Purposes Act section 24 aforesaid shall have no effect in relation thereto, but the Minister shall issue a warrant to the Accountant General requiring him to pay such compensation in whole or in part as the case may be by the issue to such persons as the High Court may direct of land bonds of the type determined by the Minister to a nominal value equal to the whole of the compensation or to such part thereof as may have been determined by the Minister

c. 62:05

and, subject to this Act, the Accountant General shall issue such land bonds or pay such compensation accordingly.

Description
and
redemption of
land bonds.

7. (1) Land bonds may be of the following types—

- (a) fixed-date bonds,
- (b) drawing bonds,
- (c) annuity bonds.

(2) Subject to section 10—

- (a) fixed-date bonds shall be redeemable at par on a fixed date to be declared on the issue of the bonds:

Provided that the Minister may reserve the option to redeem the bonds before such date on such conditions as may be declared at the time of issue;

- (b) drawing bonds shall be redeemable by annual drawings at par to be made in the manner hereinafter provided, or, at the option of the Minister by purchase in the market;
- (c) annuity bonds shall be redeemable by equated half-yearly payments covering both principal and interest:

Provided that all land bonds shall be redeemed not later than twenty years from the date of issue.

Interest of land
bonds.

8. (1) Land bonds shall bear interest at such rate as the Minister shall determine.

(2) The interest upon the principal represented by each land bond shall run from the date specified in that behalf in the bond. Payment of interest in the case of each fixed-date or drawing bond and of principal and interest in the case of each annuity bond shall be made half yearly on the date specified in that behalf in the bond, at the office of the Accountant General.

Application of sections 16, 17, 18, 19, 20 and 21 of cap. 74:04.

9. (1) Sections 16, 17, 18, 19, 20 and 21 of the General Local Loan Act shall apply to fixed-date and drawing bonds as they apply respectively to fixed-date and drawing debentures issued under that Act subject to the following modifications:

- (a) as if for the "debenture" or "debentures" there were substituted in the first line of section 16 the words "fixed-date or drawing bonds" and elsewhere the word "bond" or "bonds" as the case may be;
- (b) as if for the word "loan" there was substituted the word "bonds"; and
- (c) as if for the words "commencing with that specified in the Act authorising the loan", in section 16(2) there were substituted the words "but not earlier than six months after the date on which interest on the said bonds commences to run".

(2) So long as any annuity bonds remain outstanding the Minister shall in each half year ending with the date on which any equated payment of principal and interest in respect of such bonds falls due appropriate out of the Consolidated Fund a sum equal to the total amount of

such payment as aforesaid.

Surrender of
land bonds.

10. (1) The Accountant General may authorise the immediate redemption of land bonds to be surrendered in satisfaction of any statutory claims upon the land for the purchase or acquisition of which they were issued and may make arrangements therefor.

(2) Fixed-date and drawing bonds so surrendered shall be redeemed at par. Annuity bonds so surrendered shall be redeemed at the surrender value as set out in each bond.

Service of land
bonds.

11. All moneys for the payment of interest on land bonds or for the redemption of the same and all expenses of or incidental to the redemption of such bonds are hereby charged on the Consolidated Fund.

Registration
and
negotiability
of land bonds.

12. (1) The Accountant General shall keep in the prescribed form and manner a register of all land bonds issued under this Act.

(2) No sum payable by way of interest upon any fixed-date or drawing bonds or upon redemption of the same or by way of payment of principal and interest on any annuity bond or upon surrender or any land bond under section 10 shall be paid except to the person for the time being shown in the register as the holder of the bonds in respect of which the payment is made.

(3) Land bonds shall be capable of being transferred in such manner as may be prescribed

Regulation.
[4 of 1972]

13. Subject to negative resolution of the National Assembly, the Minister may make regulations prescribing such matters as are by this Act required or permitted to be prescribed and generally for giving effect to this Act.

SUBSIDIARY LEGISLATION

Reg. 9/1985

LAND BOND REGULATIONS*made under section 13*

Citation.

1. These Regulations may be cited as the Land Bonds Regulations.

Domination of land bonds.

2. Land Bonds shall be of the denominations of \$10,000, \$50,000, \$100,000 and \$200,000.

Form of land bonds.

3. (1) Subject to paragraph (2), land bonds shall be in the form set out in the Schedule.

(2) Each land bond shall on the face thereof –

- (a) bear the facsimile signature of have the Minister;
- (b) have a serial number;
- (c) have provision for an officer, duly authorised by the Accountant General to record the issuing of the land bond, to affix his signature at the time the bond is issued; and
- (d) have provision for the stamp of the Accountant General to be impressed on the land bond.

Defaced of mutilated land bonds.

4.(1) Where a land bond has been defaced or mutilated whether wholly or partially, in a way that however the serial number and value can be identified, the person entitled thereto may make a written application, in such a manner as the Minister may specify, to the accountant General for the issue to him of a duplicate land bond and such application shall be supported by a statutory declaration verifying the facts set out in the application.

(2) Where the Accountant General is satisfied that the circumstances set out in the statutory declaration warrant approval of the application, there may be issued to the applicant a duplicate land bond endorsed with such conditions and on such terms as the Minister may specify, and the duplicate land bond shall, subject to such endorsement, be as effectual in law as the original.

SCHEDULE Reg. 3(1)

Serial Number.

GUYANA GOVERNMENT FIXED DATE LAND BOND

\$

Payment of compensation for land compulsorily acquired under the Acquisition of Lands for Public Purposes Act, Cap. 62:05 in land bonds under the Land Bonds Act, Cap. 62:07 as authorised by section 24A of Acquisition of Lands for Public Purposes Act.

1. Under the authority of the Acquisition of Lands for Public Purposes Act, Cap. 62:05 the Minister acting on behalf of the Government of Guyana, binds the Government of Guyana to pay.....the holder of land bond serial number..... registered in the name of the holder in a register of all land bonds kept by the Accountant General, the sum of.....for the property located at.....The Minister also binds the Government of Guyana to pay interest on this sum at the rate of..... per annum commencing on the..... day of 20.....

2. Interest is payable half-yearly on the.....day of..... and..... day of.....in each and every year until the principal is paid by crossed cheque forwarded by registered post at the risk of the registered land bond holder, either to him or to any other person, bank or firm named by him within Guyana.

3. The principal moneys and interest represented by this land bond are charged upon, and shall be payable out of, the Consolidated Fund and a sinking fund is being provided for the redemption of the said bond.

4. This land bond shall be redeemable at par on the..... day of 20..... upon presentation and surrender of the bond at the office of the Accountant General by the registered holder or his duly authorised agent.

5. This land bond is transferable only by instrument of transfer registered in the books of the Accountant General, Georgetown, Guyana.

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Land Bonds

[Subsidiary]

Land Bond Regulations

Given under My Hand at Georgetown, Guyana, this
.....day of..... 20.....

Recorded

.....

Recording officer.

Impress stamp of the
Accountant General
