

GOVERNMENT OF ANGUILLA

GUIDANCE NOTES ON THE ALIENS LAND HOLDING REGULATIONS ACT

APPLICATION FOR ALIEN LAND HOLDING LICENCE (2004)

Applications for Alien Land Holding Licences must be made to the Department of Lands and Surveys.

Before an Alien Land Holding Licence Application can be accepted for processing all the following must be available.

- 1) Planning permission, for the proposed development, from the Land Development Control Committee at least in outline, along with a location map and a copy of the decision notice. (not applicable for Charges or developed property)
- 2) Three completed Alien Land Holding Licence Application forms for each applicant, with
 - a) A recent colour passport photograph attached.
 - b) A copy of the passports details page
 - c) Where the applicant is a company the managing director and company secretary should complete separate application forms. Full details of all the directors, shareholders and beneficiaries of the company should also be given along with a certificate of good standing and a certificate of fact from the Registrar of Companies that the company can hold real property in accordance with the laws of Anguilla.
- 3) An original or a certified copy of:
 - a) Bank reference showing your financial status and current net worth
 - b) Police records from all the countries you have lived in over the past seven years and place of birth.
 - c) A personal reference
 - d) Tax Clearance forms from the Inland Revenue Department for **BOTH** Vendor and applicant.
 - e) A letter stating the reasons for acquiring more than a ½ acre of land were applicable.
- 4) Details of the proposed development, including a full marketing study for any tourist or business project.
- 5) An application fee of EC\$1,075.00 (US\$400.00) for each application, either in cash or a Bank Cheque made out to “Government of Anguilla”

You should also be aware that approval will only be given for whole parcels. Where you hope to purchase part of a parcel you must ensure that the lot you require is first subdivided and given its own block and parcel number.

All applications must have documents properly bounded and submitted in a file folder.

All documents, statements, references etc. must be submitted in English language.

The information requested is required to permit your application to be considered in its proper perspective. You should note that before determining whether a licence will be granted, the Minister of Lands will interview applicants who meet the basic requirements.

You should be aware that an Alien Land Holding Licence does not in any way exempt you from any other law in Anguilla restricting or limiting the use of land, and in particular the need for planning and building permission. Before you can apply for an Alien Land Holding Licence you must have at least an outline planning consent for the development you propose. Full planning consent and a building permit are required before work can commence.

Once approval for an Alien Land Holding Licence has been granted Stamp Duties, where applicable, a deposit (only for undeveloped property) must be paid to the [Treasury Department of Lands and Surveys](#) before the Licence is issued. Licences must be collected within two months of the Executive Council decision to grant you a Licence. Failure to collect a Licence within this time-frame will result in the Licence being cancelled in which case you will have to re-apply from the beginning.

You should be aware that you will not be permitted to rent your property unless express permission is obtained from government. Currently, permission is subject to an annual fee which is based on the size of the development on the property.

STAMP DUTY AND DEPOSIT

The current rates of Stamp Duty for Alien Land Holding Licences are specified in The Alien Land Holding Regulations (Amendment) Ordinance 1993.

Freehold land now attracts Stamp Duty for Alien Land Holding Licences at a rate of 12.5%.

The rates for leasehold are:

Over 99 years	11% of the freehold value
From 50 years to 99 years	10% of the freehold value
From 10 years to 50 years	5% of the freehold value
Less than 10 years	EC\$500.00
Any other interest	EC\$500.00
Stamp Duty on Charges/Mortgages	1% of loan amount

In addition to Stamp Duty for Alien Land Holding Licences, Stamp Duty is also payable on transfers. For freehold the Stamp Duty rate is 5% of the freehold value and for leasehold 0.05% of the freehold value for each year of the lease.

Where land is being purchased for construction of a residence, a deposit of 10% of the freehold value is required prior to issuing the Licence. This deposit is refunded if the property is completed within the time specified in the Licence.

POLICY

Residences built by aliens must not be less than 2,000 sq. ft of gross external floor area and the property must be completed within 18 months.

The present policy is to permit aliens to purchase up to a half acre for residential use, but larger areas may be permitted in exceptional circumstances.

Where permission is granted for a private home, renting is NOT permitted unless specified permission is granted. The granting of permission will be subject to the applicant agreeing to pay a fee for the privilege of renting as may be prescribed from time to time. This fee is currently US\$ 2,500.00 for the first 2,000 sq.ft. US\$0.50 per sq.ft. for any additional built development that is covered and US\$0.25 for built development that is uncovered not including driveways and walkways. However, pools, decks, tennis courts etc. are included.

All persons who require permission to rent a residential home that exists will have to make application for conversion from a residential home to a villa and on payment of the appropriate fees will be issued a “rental certificate” Application may also be made to convert from a Villa to a residential home on the payment of the appropriate fee. A rental certificate will be issued on an annual basis at the appropriate fee. All outstanding bills to government must be first clear before such renewal is granted unless arrangements have been made for the payment of such fees.

Licences will not be issued for residential homes to be registered as a company except in exceptional circumstance.

PENALTIES

Alien Land Holding Licences are granted to enable aliens to acquire and develop land. All licences are subject to conditions and where these conditions are breached penalties may be enforced.

Licences for bare land require the applicant to build within a given time-frame. For houses the applicants are usually required to complete construction within eighteen months from the date the licence is issued. After that date a penalty, currently EC\$500.00 per month, is charged for a period of 12 months then the penalty is doubled to EC\$ 1,000.00 per month for another six (6) months. If the building is still not completed at the end of the six month period forfeiture proceedings may commence, which will result in the land being transferred to The Government of Anguilla.

If development is delayed for valid reasons, these should be brought to the attention of the Ministry of Lands and a formal extension of time requested.

Refunds of Alien Land Holding Licence deposits will only be granted where the development has been completed to the satisfaction of the Director of Lands & Surveys.

FURTHER INFORMATION

If you have any questions or require clarification on any point please contact either the Permanent Secretary Lands at 497-~~3930~~-2200 or the Director of Lands and Surveys at 497-2424. However, you are advised to seek legal advice before purchasing any land or interest in land.

Ministry of Lands

14th April 2004