



**FIG Land Disposal Policy
for
Commercial and Industrial Development
Information leaflet**

This leaflet contains common questions and answers for purchasing or leasing Government land for uses other than residential and grazing.

It does not contain detailed guidance on planning issues, the process for acquiring a licence to hold land or land for residential development.

For advice on planning matters including planning permission and building permits, please contact the Environmental Planning Department +500 28480

For legal enquiries including queries relating to licences to acquire land under the Land (Non-Residents) Ordinance, or land for residential development, please contact the Legal Services Administration Team on +500 28467

For initial advice on proposals, including finding out who owns land, please contact :

Lease of land at Gordon Lines	Design Section PWD +500 27188
Other commercial or residential land in and around Stanley	Environmental Planning Department +500 28480
Grazing plot in or around Stanley	Department of Agriculture +500 27355
Stanley Common – horse grazing	Department of Agriculture +500 27355
Stanley Common – any other use	Environmental Planning Department +500 28480
Land in Camp – owned by FIG	Department of Agriculture +500 27355
Land in Camp – owned by Falkland Land Holdings (FLH)	General Manager, FLH +500 22697
Extension to garden	Secretary to the Lands Committee +500 28467
Transfer of mobile home plot at Murray Heights	Secretary to the Lands Committee +500 28467
Renting a FIG house or mobile home	Housing Officer PWD +500 27190
Request to visit Kidney Island or other nature reserves	Environmental Planning Department +500 28480
Request to visit Navy Point	Royal Falkland Islands Police +500 28100

1. What do I do if I want to buy, lease, or “take an interest in” Government land?

- 1.1 Before submitting an application you must make sure that you are entitled to own, lease, or take an interest in Government land in the Falkland Islands.
- 1.2 If you are not ordinarily resident in the Falkland Islands, or are ordinarily resident in the Falkland Islands but do not have either Falkland Islands Status or a Permanent Resident Permit, you must obtain a licence from the Falkland Islands Government (FIG) before you are permitted to acquire any interest in land in the Falkland Islands. This also applies to companies which are subject to a specific residency test.
- 1.3 ‘Interest in land’ includes a mortgage, a lease (except for certain short-term residential or business tenancies) and any arrangement whereby land is held by a nominee on behalf of a non-resident. The licence may be granted either free of conditions or subject to conditions.
- 1.4 Each licence is granted on an individual basis and covers only the property named in the application. Persons who want to acquire an interest in more than one property need to apply for more than one licence. The licence is personal to the licence holder, and cannot be transferred.
- 1.5 An application for a licence should be completed on the relevant form (available from the Legal Services Administration Team, which currently acts as Secretary to the Lands Committee, by either telephoning +500 28467, or e-mailing legalseclands@sec.gov.fk). The application must accurately identify the land, preferably by production of a plan, and state the nature of the interest in the land. Your full name, address, occupation and nationality are required. Information should be provided on why you wish to acquire the land, and what you plan to do with the land (e.g. is there an intention to build). Any existing connection between you and the Falkland Islands or between you and the vendor/landlord or other parties concerned should be detailed.
- 1.6 In certain circumstances applications for ‘in principle’ consent to the grant of a licence may be entertained from people interested in purchasing residential property in Stanley, to enable them to submit bids for houses advertised for sale. For further information please contact the Secretary to the Lands Committee on +500 28467.

2. Do I need planning permission or a building permit to develop the land I want to acquire?

2.1 Acquisition of land from FIG is a separate matter from planning and building control. It is the responsibility of anyone who purchases, leases or otherwise acquires land from FIG to check with the Environmental Planning Department whether they require planning permission or a building permit for their intended use of the property or for the construction, extension or alteration of any buildings. You should check with the department whether you require planning permission or a building permit before making an application to acquire land. The Environmental Planning Department can be contacted on +500 28480.

3. Do I need a building licence?

3.1 Where FIG agrees to lease land for commercial development, it usually a condition of the transaction that the prospective developer enters into a Building Licence with FIG. For leases of 99 years, the developer agrees in the Building Licence to erect a building (warehouse, shop etc.) on the plot within two years and in turn FIG agrees to grant the developer their Crown Lease once the building is complete.

3.2 An annual building licence fee will be payable when the Building Licence is signed, and on each anniversary. The building licence fee is equivalent to the annual rent. For more information about a building licence, please contact the Secretary to the Lands Committee on + 500 28467.

4. How do I make an application to acquire land?

4.1 Once you have identified the land you wish to acquire, you should contact the Secretary to the Lands Committee to obtain an application form for completion. This form requires you to provide details of the land you wish to acquire, how you intend to use the land, provide timescales for development of the land, and provide details of the positive and negative economic, social and environmental impacts of your proposal.

4.2 Once completed, the form should be submitted to the Secretary to the Lands Committee where it will be put forward for formal consideration by the Lands Committee. Completed applications must be received no later than two weeks before the meeting date. Those that are received less than two weeks before the meeting date will be considered at the following month's committee meeting. The Lands Committee usually meets on the first Wednesday of every month. The Committee has delegated authority from Executive Council to deal with most land transactions, and makes recommendations to Executive Council on how all other applications should be dealt with.

5. Are there any time limits once FIG agrees to dispose of the land?

- 5.1 Any offer to dispose of land will normally lapse if the transaction has not been completed within six months from the date upon which FIG's decision to dispose of the land is notified to the prospective tenant. For further information regarding time limits, please contact the Secretary to the Lands Committee on +500 28467.

6. On what terms can I buy or lease Government land?

- 6.1 The nature of use and the location of the land you wish to acquire will determine the policy that is applied. These are detailed below.

Acquiring Land for Heavy Industrial Uses

- 6.2 This includes land for industrial development in areas that are allocated to B5 industrial uses in the 2009 Stanley Town Plan, such as Gordon Lines, land to the south of this area and airport road. To view the 2009 Stanley Town Plan or map showing areas for industrial development please contact the Environmental Planning Department (+500 28480).
- 6.3 In July 2014, Executive Council agreed a new Interim Land Disposal Policy which applies to land for heavy industrial use. The detailed policy is set out in Executive Council paper 161/14 (available from Gilbert House +500 27455).
- 6.4 The basic principles of the Interim Policy are:
- Applications for land will normally only be granted on a leasehold basis with a standard term of 99 years. There will be no automatic right to buy land in this area via the conversion of a lease.
 - Land will be offered for lease at an annual rent of 10% of the FIG base price per acre of land (£56,540 at July 2014). FIG reserves the right to change this base value at any time.
 - In exceptional circumstances Executive Council may consider applications for freehold disposal of land in this area via the conversion of a 5 year lease. For such applications to be considered, applicants will need to provide clear evidence that freehold is essential to raise finance for strategically important developments on the land that is the subject of the application. Applications should be submitted to the Lands Committee on the appropriate form via the Secretary to the Lands Committee (+500 28467). Lands Committee will refer any such applications to Executive Council to make a determination as to whether this condition has been met.
 - If freehold is granted, this will be done via the conversion of an initial 5 year lease and will usually only be granted when a minimum of 50% of the site has been installed with hard standing and/or permanent buildings. If this is not achieved within the 5 year lease period, the land may revert to FIG ownership.

- Where freehold is granted via the conversion of a 5 year lease, all leasehold payments to FIG in respect of the land will be retained by FIG. Leasehold payments made will not be refunded at the point of freehold acquisition and the applicant will pay the prevailing sale price for land at that time.

Acquiring Land for Light Industrial Uses

- 6.5 This includes land for industrial development in areas such as VPC Road, Bill Roberts Way and Kiel Canal Road. An extension to the area of available land; at Kiel Canal, was agreed by Executive Council in winter 2014. To view a map of these areas, please contact the Environmental Planning Department (+500 28480).
- 6.6 Land for development in these locations can be acquired on a freehold basis via the conversion of a 5 year lease, or on a 99 year lease.
- Land will be offered for lease at an annual rent of 10% of the FIG base price per acre of land (£56,540 at July 2014). FIG reserves the right to change this base value at any time.
 - If freehold is granted, this will be done via the conversion of an initial 5 year lease and will usually only be granted when a minimum of 50% of the site has been installed with hard standing and/or permanent buildings. If this is not achieved within the 5 year lease period, the land may revert to FIG ownership.
 - Any rental payments made during the 5 year lease will be deducted from the purchase price upon conversion to freehold.

7. What about land in Camp?

- 7.1 If you are interested in acquiring land in Camp (i.e. outside Stanley) for uses other than residential or grazing, you should contact the Agricultural Department for FIG owned land (+500 27355) or the General Manager of FLH for land owned by FLH (+500 22697). There is no standard rate for the sale or lease of Camp land and every transaction is dealt with on its own merits, having regards to the characteristics of the land.

8. I already lease Government land. Can I convert this land to freehold?

- 8.1 You may be able to convert land you lease to freehold in certain circumstances. If an application to purchase land via conversion of a 5 year lease has been previously agreed by the Lands Committee or Executive Council, you may be entitled to convert to freehold in which case the transaction would run in course with the previous arrangements. For further information please contact the Legal Services Administration Team (+500 28467)

9. What is the process once I have made my application?

- 9.1 After you have submitted your application to the Secretary to the Lands Committee (+500 28467), your application will be considered in the first instance by the Lands Committee, which usually meets on the first Wednesday of every month. The Committee has delegated authority from Executive Council to deal with most transactions, and makes recommendations to Executive Council on how all other applications should be dealt with.
- 9.2 Once your application is considered by the Lands Committee, a decision on the outcome will be communicated to you in writing.

10 If my application is refused can I appeal the decision?

- 10.1 Currently there is no route for appeal from a decision of the Lands Committee. Depending on the reasons for refusal, you may be able to seek advice via the Legal Services Administrative Team or Environmental Planning Department or other relevant department and make amendments to your application and re-submit to the Lands Committee for further consideration. In exceptional circumstances, the Lands Committee may refer a request for an appeal to Executive Council to make a final determination on matters of policy.

11. What about acquiring land for grazing?

- 11.1 Details on land for grazing are available from the Agricultural Department (+500 27355). Horses can be grazed on Stanley Common for payment of a fee. FIG also owns a small number of grazing plots in and around Stanley and these are put out to tender every five years. If a horse owner identifies FIG land which would make a suitable grazing plot they should apply to the Agricultural Department in the first instance.

12. What about acquiring land for housing development or extending my garden?

- 12.1 Land for residential development is not covered by the information in this leaflet. For further details on land available for residential development, please contact the Environmental Planning Department (+500 28480).
- 12.2 For further details on garden extensions, please contact the Secretary to the Lands Committee (+500 28467)

