



**ASCENSION ISLAND GOVERNMENT**

# **LAND AND BUSINESS POLICY**

Approved by Administrator	
Date Effective	25 September 2015
Version	2

## **1. Purpose**

- 1.1. This policy has been prepared to provide a basis for transparent and consistent practice in relation to:
  - 1.1.1. Use, occupancy and maintenance of land and property (including in relation to business activities) on Ascension, so as to satisfy the undernoted policy aims;
  - 1.1.2. re-allocation or disposal of land which becomes unoccupied without prospect of future use by the person or organisation to which it is allocated; and
  - 1.1.3. the replacement of any rights of occupancy which exist at the date of this policy, in accordance with section 4 of the Land (Ascension) Ordinance 2008.
- 1.2. This policy applies to all land on Ascension Island except for sites occupied by the US Government (and its contractors as notified to the Administrator). The UK Government provides sites to the US Government (and such contractors) in pursuance of an international treaty known as the Bahamas Agreement 1956. The policy does not limit the discretion of the Governor (or a person authorised by him in that behalf pursuant to section 51 of the Constitution) to grant permission to occupy and use land for purposes outwith the scope of the policy.

### **1.3. Policy Aims of Ascension Island Government (as the local government)**

- 1.3.1. Ensure no element of this policy is to confer right of abode to those working and living on Ascension.
- 1.3.2. Ensure no element of this policy has the effect of conferring ownership of, or any interest in, land on Ascension. As noted in paragraph 2.1, all land on Ascension Island is owned by the Crown.
- 1.3.3. Maintain a register of land and record all permissions for occupation and use of all land on Ascension.
- 1.3.4. Promote the granting of "Housing Licences" to those entitled to house staff on Ascension and ensure all housing stock is held by the Housing Licence holder to whom it is allocated.
- 1.3.5. Encourage the development of housing stock.
- 1.3.6. Maintain minimum standards of accommodation, ensuring they meet health, safety and environmental guidelines published by AIG from time to time.
- 1.3.7. Ensure any disused building which is unsuitable for re-use is demolished and/or removed from Ascension.
- 1.3.8. Ensure the return to AIG of land which is no longer required by the person or organisation holding permission to occupy it.

### **1.4. "Employing Organisations" and "Small and Medium-Sized Enterprises" (as defined and listed in Appendix 1)**

- 1.4.1. Employing Organisations and Small and Medium-Sized Enterprises to be granted explicit permission to use land currently used for their own business purposes.
- 1.4.2. Employing Organisations and Small and Medium-Sized Enterprises are to be granted a Housing Licence for each residential property that will allow the Organisation or

Enterprise to house its staff in an appropriate manner. In the case of Small and Medium-Sized Enterprises, annual Permit Fees will be charged.

1.4.3. It is the intention of this policy that existing building stock be used as far as is practicable. Should an Organisation or Enterprise require additional buildings for the purpose of its own business, which cannot be met from its existing stock, and which cannot be accommodated on the existing footprint of land of which it has occupancy, the procedure in paragraph 5 should be adopted.

#### **1.5. Small Businesses (as defined and listed in Appendix 1)**

1.5.1. No Housing Licences will be granted in connection with a small business operation. Small Business owners will be granted explicit permission to use land currently used for retail purposes in accordance with this policy. Every such permission will be limited to the duration of employment contract of the owner of the small business (the employed individual or spouse/partner, as appropriate). Annual Permit Fees will be charged.

#### **1.6. Small Businesses (Residential Operators) (as defined and listed in Appendix 1)**

1.6.1. Regularise existing arrangements by granting permission to operate the business. Each permission will be for one year, and a fee will be charged; the Administrator will arrange for an annual review to be carried out of the impact of the business on the neighbourhood, and will take the result into account when deciding whether or not to renew the permission.

#### **1.7. Employees with single or accompanied status contracts**

1.7.1. To be provided with appropriate housing, as a contractual obligation of the Employer, and to expect the accommodation to be of as high a standard as their Employer can provide for the duration of their contract, which in any event must meet or exceed the minimum standard stipulated by AIG.

#### **1.8. General Provision**

1.8.1. This policy is also intended to provide for authorising the continued use of all other land on Ascension, including e.g. beach huts, guides huts, nursery, museum, Heritage Society, Islander Newspaper, etc.

## **2. Legal Context**

- 2.1. All land on Ascension is Crown land: as such, it can only be lawfully occupied and used by others with the permission of the Governor (which permission is referred to in this policy as a 'Land Occupancy Permit'). In practice, permission is given by the Administrator, acting on behalf of the Governor, and authorised to do so in accordance with section 51 of the Constitution.
- 2.2. A Land Occupancy Permit does not confer any permanent right of abode, or any permanent right to occupy land, on Ascension, and will be withdrawn by the Administrator when the occupier ceases to occupy the land to which the Permit relates.
- 2.3. Every Land Occupancy Permit will specify the purpose or purposes for which the land may be used, and land may not be used for any other purpose whatsoever.
- 2.4. It is not possible, since all land is owned by the Crown, for anyone other than the Crown to sell, lease, sub-let or otherwise dispose of or transfer any land to any other entity or individual. Land Occupancy Permits are not transferable.
- 2.5. Liability to pay Property Tax is governed by the Property Tax Ordinance, Cap A8.
- 2.6. Employing Organisations, Small and Medium-Sized Enterprises and Small Businesses, will be granted Land Occupancy Permits solely for their business purposes (including the provision of living accommodation for employees and contractors, as to which see Part 3 below) and for as long as they have a business need for the property, as determined by the Administrator.
- 2.7. For the avoidance of doubt, unless the context requires otherwise, 'land' includes all buildings or other structures erected on land.

## **3. Housing Accommodation**

- 3.1. In this policy, the expression 'Housing Licence' is used to refer to a Land Occupancy Permit for a parcel of land which comprises (or land on which it is proposed to erect) a building or buildings designed or adapted primarily as living accommodation for people. Housing Licences will always include a condition that the land may be used only as residential accommodation and that no business or other activity whatsoever may be carried on upon or from the land except with the express written consent of the Administrator. A separate annual fee to be set by the Administrator will be charged for such consent. Housing Licences will be granted to Employing Organisations and Small and Medium-Sized Enterprises according to the terms of this policy and business need as determined by the Administrator.
- 3.2. Housing Licences will not be issued to Small Businesses.
- 3.3. All employees housed by their Employer under a Housing Licence must vacate their accommodation when their employment contract ends (but may be allowed to remain for a

period of up to 30 days pending repatriation) unless a consecutive contract is offered by the Employer and accepted by the employee.

#### **4. Initial Action**

- 4.1. Land Occupancy Permits will be issued (in accordance with this policy) to Employing Organisations, Small and Medium-Sized Enterprises, Small Businesses and other *de facto* occupiers of land at the date of this policy.
- 4.2. Where an Employing Organisation is currently purporting to sub-let land to another Employing Organisation, the Administrator will re-allocate the land by granting a Land Occupancy Permit to the Employing Organisation actually occupying it, provided he is satisfied of the business need to do so. For example, if MOD are currently "leasing" land from CSO or Sure South Atlantic, the Administrator would then immediately reallocate the land to MOD, which would then be responsible for property tax (and for maintenance of any building).
- 4.3. For the avoidance of doubt, paragraph 4.2 applies in all cases of purported transfers of land from one Employing Organisation to another.
- 4.4. In cases where the original authorised user demonstrates a business need to retain the land in the longer term, it may be possible to arrange reallocation of the land to that Employing Organisation after an agreed period.
- 4.5. The responsibility for paying property tax and maintenance will move along with the property.
- 4.6. The Administrator will grant formal written permission for existing small Businesses run from residential accommodation

#### **5. Allocation of additional land**

- 5.1. Should an Employing Organisation or Small and Medium-Sized Enterprise require additional land (whether for residential, commercial, or other purpose) for the purpose of its own business, which cannot be met from its existing stock, and cannot be accommodated on the existing footprint of land of which it has occupancy, an application should be made to the Administrator for a new allocation of land. Each application will be examined on a case by case basis, and subject always to availability. Employing Organisations and Small and Medium-Sized Enterprises will be responsible for the supply of services (water, drainage, electricity, telephones) to any new buildings they erect under this or any other provision
- 5.2. In the case of a Small and Medium-Sized Enterprise, an annual Permit Fee set by the Administrator will be payable (as well as property tax, which will apply in either case) in relation to the additional land.

5.3. A request for allocation of additional land by any other person or business operator will be considered on a case by case basis by the Administrator.

## **6. New Business Activities**

6.1. The Administrator may, acting in his discretion and subject to availability of suitable buildings, issue Land Occupancy Permits allowing for additional or expanding businesses or facilities if, in his opinion, it is in the public interest and aids the proper functioning of the Island and an acceptable business case is made.

6.2. For the avoidance of doubt, paragraph 6.1 applies both to new businesses seeking permission to operate on Ascension for the first time, and to retail businesses or small businesses already operating on Ascension, wishing to expand into a higher category.

6.3. An application for a new business, or amendment to an existing business permit, should be made using the Small Business Permit Application Form as set out in Appendix 3, for consideration by the Administrator.

## **7. Cessation of Land Occupancy Permits**

### **7.1. Employing Organisations**

7.1.1. Any land held by an Employing Organisation for which it no longer has a business need for will be subject to a viability assessment by AIG to determine the condition of the land and any buildings thereon, and then must be either:

7.1.1.1. returned to AIG in a fit state to be re-allocated at minimal expense; or

7.1.1.2. returned to AIG, having demolished and removed from the Island (at the Employing Organisation's expense) any buildings which the inspection reported unsuitable for re-use;

and (in either event) no payment will be required from AIG for returning the property. The Employing Organisation will no longer pay property tax on it

7.1.2. If an Employing Organisation anticipates a future business need for unused land, within a period of 12 months, they are permitted to retain the land unoccupied for this period provided that any buildings on the land are maintained in an environmentally sound manner (liability for property tax continues).

7.1.3. Paragraphs 7.1.1 and 7.1.2 exclude land which is not normally occupied but nevertheless remains important for the effective operation of the Employing Organisation, such as for periodic temporary increases in housing requirements.

7.1.4. An Employing Organisation wishing to sell/transfer their business should inform the Administrator of this intention. The Land Occupancy Permit(s) held by the Employing

Organisation will terminate when the business is sold/transferred. The prospective purchaser of the business will be required to submit a satisfactory business case and provided that the Administrator, is satisfied that it is in the public interest to do so, a new Land Occupancy Permit will be issued.

## **7.2. Small and Medium-Sized Enterprises (formerly known as Private Sector Business Operators)**

7.2.1. For Small and Medium-Sized Enterprise, Land Occupancy Permits will cease when their business on Ascension ceases.

7.2.2 In the event that a Small and Medium-Sized Enterprise decides not to remain on Ascension to run the business but the business is to continue under new management, paragraph 7.1.4 applies as it would in the case of an Employing Organisation;

7.2.3. If a Small and Medium-Sized Enterprise no longer has a business need for any land as determined by the Administrator, paragraph 7.1.1 applies as it would in the case of an Employing Organisation.

## **7.3. Small Businesses (formerly known as Retail Operators)**

7.3.1. For Small Businesses, Land Occupancy Permits will cease when their business and/or principle reason for being on Ascension ceases. In such circumstances, paragraph 7.1.1 applies as it would in the case of an Employing Organisation.

7.3.2. If a Small Business wishes to sell/transfer the assets (e.g. goodwill, equipment and stock) of the business, paragraph 7.1.4 applies as it would in the case of an Employing Organisation.

## **7.4. Small Business (Residential Operator) (formerly known as Small Businesses)**

7.4.1. A Small Business (Residential Operator) may sell/transfer the assets (e.g. goodwill, equipment and stock) of the business. Small business permits are not transferable and will terminate when the assets of the business are sold. The prospective purchaser will be required to apply for a new small business permit to operate the business which will be issued assuming the conditions set out at paragraph 6.1 are satisfied.

## **7.5. General**

Land occupancy Permits may also be issued for the occupation of other land not expressly addressed elsewhere in this policy. Where the occupation of any such land ceases, paragraph 7.1.1. applies as it would in the case of an Employing Organisation, except where (in the case of 7.1.1.2) the Administrator waives the need for the occupier to meet the cost

of demolition. If the occupier ceasing to use the land has a preference as to who should take over the occupation, the Administrator may take that into account when issuing a new Land Occupancy Permit.

## **8. Maintenance of Property Registers**

- 8.1. AIG will maintain a Property Register which records all Land Occupancy Permits to ensure the provisions of this policy are being adhered to.
- 8.2. All Housing Licence holders will be required to provide AIG with the details set out as Appendix 2 on the following occasions:
  - 8.2.1. upon receipt of a Housing Licence, for each unit of accommodation used;
  - 8.2.2. when a change in occupancy occurs; and
  - 8.2.3. annually as at the 31 March, a summary of the changes which have occurred during the previous year.

## **9. Development Control**

- 9.1. Each type of building must comply with or exceed AIG's minimum health, safety and environmental standards for that type of building, as published from time to time.
- 9.2. Every Land Occupancy Permit will contain a condition forbidding any kind of development on the land except with the express written permission of the Administrator.

## **10. Maintenance of Property**

- 10.1. AIG will seek to maintain the Crown estate to a required minimum, habitable standard as part of annual maintenance schedule. A register of AIG property will be maintained, within this a "traffic light" system to show the properties condition will be used. This will indicate clearly the state of the property and whether or not it is available for occupancy.
  - 10.1.1. **Green** – Available for use.
  - 10.1.2. **Amber** – Potentially available, pending work to bring property up to a reasonable standard
  - 10.1.3. **Red** – Not suitable for use. Requires major structural works beyond AIG's means and/or demolition due to health and safety concerns

AIG will only grant Land Occupancy Permits for land or properties that fall into the green category. Any applications for Land Occupancy Permit which request a specific building that falls into the amber or red categories will be offered an alternative green category property in the first instance, subject to availability. AIG will consider renovating an amber category



property to bring it up to a reasonable standard if an appropriate alternative green category property cannot be identified.

## **11. Property Tax Incentives to encourage the development of property stock**

- 11.1. AIG wishes to encourage investment in the existing building stock, to discourage the non-use of buildings which cause them to become dilapidated, and to encourage the development of new buildings. Consequently, AIG will make amendments to the current property tax legislation to allow the changes outlined in paragraphs 10.2 and 10.3
- 11.2. The property tax rate on any newly constructed building will be reduced by 50%, to 1.25% of its property tax value for the first 10 years of its life, providing the property exceeds AIG's minimum standards applicable to that type of building and is in use as staff housing.
- 11.3. If property that is surplus to the requirements of the Permit holder ceases to be used for a period of more than 6 months then property tax will be doubled to 6% of its property tax value from the date it becomes unoccupied. The higher rate of property tax will not apply to property which is not normally occupied but nevertheless remains important for the effective operation of the licence holder, such as for periodic temporary increases in housing requirements.

## **12. Reconsideration of Decisions**

- 12.1. Any person aggrieved by a decision of the Administrator in relation to their application under this policy may, within 14 days of being informed of the decision, make written application to the Administrator to reconsider the decision; every such application shall be accompanied by such additional documents (if any) as the application wishes to have considered.
- 12.2. Except where, on reconsideration, the Administrator is prepared to substitute a different decision which is acceptable to the person who applied for reconsideration, the Administrator shall forward all relevant papers to the Governor within 14 days of receipt of the application and thereafter act in accordance with such instructions as the Governor may address to him in relation to the matter.
- 12.3. Within 14 days of receipt of the written application and relevant documents from the Administrator under 11.2, the Governor shall respond in writing to the applicant setting out the reasons for his decision.

## Appendix 1

### Definition of Terms

#### 1. “Employing Organisations”

An Organisation which has a strategic interest in Ascension and/or is vital to facilitate the use of Ascension by the other Employing Organisations, and which employ staff on standard contracts. Employing Organisations are also members of the BCF. As at the date of this policy, the existing “Employing Organisations” are:

MOD, plus Sub-Contractors as notified to the Administrator  
Sure South Atlantic (formerly Cable & Wireless South Atlantic Limited)  
BBC, plus Sub-Contractor as notified to the Administrator  
C.S.O.

#### 2. “Small and Medium-Sized Enterprises (SME)”

Businesses which are not owned by the “Employing Organisations” nor are Sub-contractors of them, but which provide services to the Employing Organisations and/or the general population of Ascension, and which employ staff on standard contracts. (If these businesses cease and no one else wants to take them on – the business will close).

#### 3(a). “Small Businesses”

Businesses which are not owned by the Employing Organisations, nor are Sub contractors of them, but which provide services to the general population and which are operated by personnel contracted to (or by a dependent of a contract employee of) one of the Employing Organisations on Ascension, or by persons granted retailer status by express permission of the Administrator.

#### 3(b). Small Businesses (Residential Operators)

Small Businesses which are not owned by the Employing Organisations, nor are Sub contractors of them, but which provide services to the general population and which are operated from residential accommodation by personnel contracted to (or by a dependent of a contract employee of) one of the Employing Organisations or Small and Medium-Sized Enterprise on Ascension.

5. “**Employer**” means any of the Employing Organisations, Small and Medium-Sized Enterprises, or AIG.

6. “**AIG**” means Ascension Island Government.

\* Small Businesses will not be granted Housing Licences under this policy.

\*\* Small Business (Residential Operators) will not be granted Housing Licences under this policy. Small Businesses must be operated by personnel contracted to (or a dependant of a contract employee of) one of the Employing Organisations or a Small and Medium-Sized Enterprise on Ascension Island.



## Appendix 2 - Sample Register of Housing Licences

Name of Housing Licence Holder:

Date:

Accommodation Address / I.D.	Accommodation Type Room/Flat/ Bungalow/etc	Occupied (Yes/No)	Occupying Employee	Employment status	Name of dependants of accompanied Employees	New Licence Holder's Name, if accommodation transferred during the period

Completed by:

Job Title:

\* there is no need to include "household" status Employees as, by definition, they will be a Dependent of an Accompanied Employee



**ASCENSION ISLAND BUSINESS PERMIT APPLICATION**

**Business and owner details**

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1. Business name:

.....

1.1 Owner(s) name:

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1.2 Business address:

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.....

1.3 Business telephone number:

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1.4 Business email address:

.....

1.5 Home address (if different from above):

.....

1.6 Home telephone number (if different from above):

.....

1.7 Home email address (if different from above):

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1.8 Proposed start date of business

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1.9 Proposed opening hours

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## Details

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### 2. Business Summary

Please state the nature of the business:

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.....  
.....  
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#### 2.1 Please provide a small description of the business to be published in the Islander:

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.....  
.....

#### 2.2 Previous experience/relevant qualifications:

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.....  
.....

#### 2.3 How will the business support the local community?

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.....  
.....

#### 2.4 Are you going to sell:

- Product
- Service
- Both

#### 2.5 Are your customers:

- Individuals
- Businesses
- Both

#### 2.6 Are you targeting:

- Islanders
- Tourists
- Both

#### 2.7 Annual predicted number of clients

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#### 2.8 Estimated amount of personal investment

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#### 2.9 Marketing strategy (how and where will you advertise?)

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## Competitor analysis

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### 3. Table of competitors on island

<u>Name, location and business size</u>	<u>Product/service</u>	<u>Price</u>	<u>Strengths</u>	<u>Weaknesses</u>

#### 3.1 What sets you apart from the competition?:

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## Costs and pricing strategy

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### 4 Product/service costs

<u>Product/service name</u>	<u>Cost</u>

## Property Assessment

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5. Where will this business be based?

- My own home
- Another AIG property

5.1 Please state which property you intend to base the business out of.

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5.2 Does any work need to be undertaken on the property to make it fit for purpose? *Please note that any work needing to be carried by AIG will be subject operational capacity and resource* **Yes/No**

5.3 If yes, please arrange a walk round of the property with a member of AIG Ops through BobbyJo ([gerrilyn.crowie@ascension.gov.ac](mailto:gerrilyn.crowie@ascension.gov.ac)) in order to complete a Property Amendment Assessment form. Applicants requiring any work to be undertaken on a property must submit this completed form with this application.

5.3. a. Is the completed Property Amendment Assessment form included in this application (if necessary)? **Yes/No**



**Additional factors**

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**6. Is there potential that your business will have an environmental impact in any of the following areas?**

- Light pollution Yes/No
- Visual eyesores Yes/No
- Dust Yes/No
- Excessive/specialised waste Yes/No
- Noise pollution Yes/No
- Endemic/protected species Yes/No
- Chemical production Yes/No
- Other (please state) Yes/No

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**6.1 If you have selected 'yes' to any of the above, please detail the measures you intend on putting in place to reduce any environmental impact.**

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**7. Long-term plan for the business eg potential growth etc:**

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**8. Do you intend on employing anyone else? Yes/No**

**8.1.a. If yes, are you aware of the associated responsibilities of employing someone<sup>1</sup>: on a household contract; on a full-time basis; from overseas? Yes/No**

**9. Please note that depending on the nature of your business, you may require the following:**

- Employee contract (as per the Workers Protection Ordinance)
- Medical insurance policies for all employees
- Business insurance
- Land occupancy permit for accommodation required
- Registration for corporate tax (if applicable)

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<sup>1</sup> **Private limited companies** will be required to meet the full range of employer-related statutory responsibilities, including: medical cover, accommodation, repatriation, etc. Please refer to Ascension's employment Ordinance for a full list of statutory responsibilities.