

NO. 32

LAND PLANNING AND SOIL CONSERVATION ACT, 1953

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NO. 32

LAND PLANNING AND SOIL CONSERVATION ACT, 1953<sup>1</sup>

**AN ACT to provide for the better utilisation of land in designated areas by land planning and soil conservation and for the establishment of committees for purposes incidental to this.<sup>2</sup>**

**1. Application**

This Act applies to areas designated by the President.

**2. Declaration of areas in designated area to be planning areas**

The Minister may, for the purposes of preserving land, reclaiming land and protecting water resources, by an executive instrument declare an area within a designated area to be a planning area.

**3. Establishment of planning committees**

(1) The Minister may, for the purposes set out in section 2, by an executive instrument establish a planning committee for a planning area.

1. The Act was assented to on 11th August, 1953 as No. 32 of 1953 and came into force on 15th August, 1953.
2. Inserted by section 2 of the Land Planning and Soil Conservation (Amendment) ACT, 1957 (No. 35).

(2) The executive instrument shall,

- (a) appoint, or provide for the appointment of, persons to be members of the planning committee, and in providing for the appointments the instrument may prescribe the maximum and minimum numbers of persons who may be appointed to be members of the planning committee,
- (b) prescribe the representation and quorum necessary for the conduct of business at a meeting of the planning committee,<sup>3</sup>
- (c) appoint a person to be chairman of the planning committee, and
- (d) prescribe the functions of the planning committee.

(3) The validity of the proceedings or acts of a planning committee shall not be affected by a vacancy amongst the members or by a defect in the appointment of any of them.

#### **4. Incorporation of planning committees**

A planning committee established under section 3 shall be a body corporate having perpetual succession and an official seal, the power to hold and to sue and be sued.

#### **5. Appointment of offices of the planning committees**

(1) A planning committee may appoint a person to be secretary of the committee and the secretary shall have charge of the officer's seal and the books and documents of the committee other than original title and mortgage deeds; and the Minister may give general directions to the persons who are eligible for the appointment.

(2) A planning committee may employ persons it considers necessary for the purpose of its functions.

#### **6. Power of planning committee to enter on land**

(1) The President may by executive instrument authorise members and employees of a planning committee, generally, and any other persons specified in the instrument to enter on any lands, situate within the planning area for which the committee was established, and to construct and maintain works the committee considers necessary for

- (a) the protection of the source, course and feeders of any stream or river,
- (b) the disposal and control of water, including storm water,
- (c) the mitigation or prevention of soil erosion,
- (d) the reclamation of land,
- (e) the utilisation of swamp land, or
- (j) the utilisation of land or water to promote or increase food production.<sup>4</sup>

(2) An executive instrument made under subsection (1) may lay down conditions subject to which the power of entry may be exercised.

3. Substituted by section 4 of the Land Planning and Soil Conservation (Amendment) Act, 1957 (1957No. 35).

4. Amended by section 5 of the Land Planning and Soil Conservation (Amendment) Act, 1957 (1957 No. 35).

**7. Committee may promote other land use**

**A planning committee may for the purposes of this Act within its planning area promote an alteration or improvement in the use of land by proper methods of land cultivation and soil conservation.<sup>5</sup>**

**8. Additional powers of committees**

- (1) Where a planning committee is of opinion that land within its planning area,
  - (a) is for purposes of agriculture or animal husbandry exhausted or inadequate for the occupants, or
  - (b) may be used for other or more suitable purposes,

the committee may recommend the transfer of a farmer occupying the land to a planning area within the designated area or to any other land within the planning area.

(2) Where the Minister approves, a farmer may, where the farmer consents, be transferred with the farmer's movable property and be re-settled as a farmer within the designated area on a land made available for the purpose.

(3) The actual cost of the transfer and re-settlement may where certified as reasonable by the planning committee recommending the transfer be paid out of the Consolidated Fund.

(4) The approval of the Minister shall be in writing and may be given generally or as a special case.

(5) For the purposes of this section, "farmer" includes a person whose sole or principal business is animal husbandry and a farm worker and the dependents of a farmer.

**9. Establishment of co-ordinating committees**

(1) The Minister may by an executive instrument establish a co-ordinating committee to co-ordinate the work and policy of two or more planning committees.

- (2) The instrument shall,
  - (a) appoint or provide for the appointment of persons to be members of the co-ordinating committee and in providing for the appointments the instrument may prescribe the maximum and minimum numbers of persons who may be appointed to be members of the co-ordinating committee;
  - (b) prescribe the minimum number of members who may form a quorum of the co-ordinating committee;
  - (c) appoint a person to be chairman of the co-ordinating committee;
  - (d) prescribe the functions of the co-ordinating committee.

5. Sections 7 and 8 were inserted as section 7A and 7B by section 6 of the Land Planning and Soil Conservation (Amendment) Act, 1957 (1957 No. 35).

**10. Powers of co-ordinating committee to enter on land**

A member of a co-ordinating committee may, subject to compliance with the conditions imposed by the Minister enter on a land situate within a planning area for the purposes of performing the functions conferred on the committee by the provisions of an executive instrument made under section 9.

**11. Payment by owner or occupier for works done at his request**

Where an owner or occupier of land requests a planning committee to undertake on the owner's or occupier's land a work which is within the scope of their functions, the planning committee may contract with the owner or occupier to do the work in consideration for the payment of a sum that the planning committee considers reasonable to defray the expenses involved in carrying out the work.

**12. Power to make Regulations**

(1) The President may, by legislative instrument, make Regulations for all or any of the following purposes:

- (a) prohibiting, regulating and controlling
  - (i) the breaking up or clearing of land for cultivation for any other purpose,
  - (ii) the grazing or watering of livestock, and
  - (iii) the firing, clearing or destruction of vegetation;
- (b) requiring, regulating and controlling
  - (i) the afforestation or re-afforestation of land,
  - (ii) the protection of slopes, of banks of streams and rivers and of dams,
  - (iii) the construction, repair and maintenance of contour banks, ridges, terraces or other anti-erosion barriers,
  - (iv) the repairing of gullies,
  - (v) the maintenance and repair of artificial dams, reservoirs or other water conservation devices; and
- (c) generally for carrying out the provisions of this Act.

(2) The Regulations shall apply to the designated areas or planning areas and to the extent in respect of the areas that the President shall, by notice published in the *Gazette*, specify.

**13. Exemption from liability**

A planning or co-ordinating committee and a member or employee of any of the committees is not liable civilly or criminally for an act done bona fide in the execution or intended execution of the provisions of this Act.

**14. Interpretation**

In this Act, unless the context otherwise requires,

"**co-ordinating committee**" means a committee established under the provisions of subsection (1) of section 9;

"**employees**" includes "officers";

"**functions**" includes powers and duties;

"**land planning**" includes re-settlement of farmers;<sup>6</sup>

"**Minister**" means Minister responsible for  
Agriculture;<sup>7</sup>

"**planning area**" means an area declared to be such under the provisions of  
section<sup>2</sup>;

"**planning committee**" means a committee established under the provisions  
of  
subsection (1) of section 3.

6. Inserted by section 3 of the Land Planning and Soil Conservation (Amendment) Act, 1957 (1957 No. 35). 7. Amended by section 3 of the Land Planning and Soil Conservation (Amendment) Act, 1957 (1957 No. 35).