

CHAPTER 268

DISPOSAL OF GOVERNMENT LAND ACT

To regulate the grant on any title of immovable property belonging to or administered by the Government, and to provide for matters ancillary thereto or connected therewith.

11th July, 1977

Enacted by ACT XXXIII of 1976, as amended by Acts: II of 1979, XIII of 1983 and XIV of 1999.

1. The title of this Act is the Disposal of Government Land Act. Short title.

2. In this Act, unless the context otherwise requires - Interpretation.
"disposal" means the transfer or grant of any land under any title whatsoever, including, but without prejudice to the generality of the aforesaid - Amended by:
II. 1979.2;
XIV. 1999.2.

- (a) any lease or encroachment or other right of use as well as any grant of any real or personal right in or over any land;
- (b) a renewal of any real or personal right in or over any land, whether tacit or expressed on new terms and conditions (provided that an increase in rent, ground rent or compensation for use shall not be deemed to be a new condition), but including a renewal of any real or personal right in or over any land originally made in pursuance of a special resolution of the House of Representatives, even when made on the same terms and conditions;
- (c) any change of any condition included in the disposal of any land other than land disposed of by the Housing Authority or by the Government for housing purposes, as long as the land remains subject to the condition that it be used for housing purposes, or land disposed of by a local council established under the Local Councils Act: Cap. 363.

Provided that the transfer of any land acquired under any title under the provisions of the Land Acquisition (Public Purposes) Ordinance, where such land is no longer required for a public purpose, to the person from whom such land was so acquired, or to his successors in title, shall not constitute a disposal for the purposes of this Act where the transfer back is made for the consideration (including damages) paid by the Government on the acquisition together with interests at five *per centum per annum* from the date of the payment up to the date of the transfer back to such persons where such land was acquired by the Government under absolute ownership, and where the land is held by Government on public tenure or possession and use, the transfer back is made subject only to the cessation of the annual payment of the relative recognition rent or acquisition rent as the case may be; Cap. 88.

- Cap. 16. "land" includes any property which is immovable either by its nature or by reason of the object to which it refers, as provided in articles 308, 309 and 310 of the Civil Code.
- Government land to be disposed of in terms of this Act.
Amended by:
II. 1979.3.
Substituted by:
XIV. 1999.3.
- 3. (1)** No land which belongs to or is administered by the Government shall be disposed of unless such disposal is made in accordance with one of the following provisions, that is to say -
- (a) after a call for tenders published in the Gazette in respect of the property proposed to be disposed of; or
 - (b) in accordance with a policy applicable to the land proposed to be disposed of and approved by a resolution of the House of Representatives which is in force at the time of the disposal; or
 - (c) in accordance with a special resolution of the House of Representatives which is in force at the time of the disposal; or
 - (d) to a body corporate established by law for the purposes of any function of such body:
- Provided that any land disposed of to a body corporate, other than the Housing Authority or a local council established under the Local Councils Act, under this paragraph (including a disposal made to it by another body corporate as authorised by this proviso) shall not without the approval of the House of Representatives expressed in a resolution, or in accordance with this sub-article, be disposed of by any body corporate, other than the Housing Authority or a local council as aforesaid, except in favour of the Government or of another body corporate established by law; or
- Cap. 363. (e) in accordance with any other law for the time being in force.
- (2) A resolution of the House of Representatives passed for the purposes of sub-article (1) shall continue in force -
- (i) if taken for the purposes of paragraph (b) thereof, for a period of three years from the date it is passed; and
 - (ii) if taken for the purposes of paragraph (c) or paragraph (d) thereof, for a period of one year from the day it is passed,
- but any such resolution may be renewed by a subsequent resolution or resolutions for a further period or for further periods of three years or one year respectively or for such other period, being of not more than three years or one year respectively, as may be specified in the resolution.
- (3) A disposal of land to which sub-article (1) applies, made in accordance with the provisions of this article, shall not require any further authority or sanction.

(4) Before notice of a motion proposing a resolution, as is referred to in paragraph (c) of sub-article (1) of this article, is given to the Clerk of the House by a Minister, such Minister shall cause such motion to be referred to the National Audit Office Accounts Committee established under Part IV of the Second Schedule to the Auditor General and National Audit Office Act, and no notice of a motion as aforesaid may be given before the said committee shall have discussed the motion and reported thereon to the House.

Cap. 396.

(5) Not later than fifteen days after a Minister shall have caused a notice as is referred to in sub-article (4) hereof to be referred to it, the National Audit Office Accounts Committee shall meet to discuss the draft deed or writing or notice, as the case may be, and shall not later than one month after the said draft deed or writing or notice, as the case may be, has been referred to it, report thereon to the House:

Provided that where the said Committee fails to report to the House in a final manner within the said period of one month, the Minister may proceed to give notice to the Clerk of the House proposing a resolution as is referred to in sub-article (1) of this article.

(6) When the Committee referred to in the preceding sub-article is convened for the purposes of this Act, two additional members of the House of Representatives, one appointed by the Prime Minister, the other by the Leader of the Opposition, shall have the right to attend, and take part in the debate in this Committee, without the right to vote.

(7) Where the report of the National Audit Office Accounts Committee on a motion is unanimous, the House shall proceed to vote on such motion and on any amendments proposed in the said report without debate.

4. (1) Any disposal of land to which article 3 of this Act applies made otherwise than in accordance with the provisions of that article shall be null and void.

Disposals not in accordance with Act to be null and void.

(2) The nullity of a disposal made in contravention of the article aforesaid may be demanded also by the Attorney General or by any person who is a member of the House of Representatives at the time of the demand.

5. (1) Any person who enters into or appears on any deed, instrument or contract (whether in his own name or on behalf of others) in contravention of any of the provisions of article 3 of this Act, and any person who induces any other person to enter into or appear on any such deed, instrument or contract as aforesaid or the making thereof, or aids or abets any of the aforesaid acts, shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding one thousand liri or to imprisonment not exceeding six months or to both such fine and imprisonment:

Disposal not in accordance with Act to constitute offence.
Amended by:
XIII. 1983.5.

Provided that it shall be a defence for any person to prove that he took reasonable steps to ascertain that the deed, instrument or contract would not, where made, be in contravention of the

provisions aforesaid.

(2) For the purposes of any proceedings under sub-article (1) of this article, a declaration made by a court of competent jurisdiction that a disposal is null and void on the ground that it was made in contravention of any of the provisions of article 3 of this Act, or a mere declaration that it was so made, shall be conclusive evidence that the disposal was made in contravention of these provisions; and where any action for any such declaration has been taken, the period of prescription in respect of any offence against this article shall be suspended until a final judgment on the issue is given or the action is abandoned.
