

## CHAPTER 169

## CROWN LANDS

An Ordinance relating to the administration and disposal of Crown lands.

[31st March, 1960] 27/1958.  
24/1960.

1. This Ordinance may be cited as the Crown Lands Ordinance. Short title.
  
2. In this Ordinance, unless the context otherwise requires— Inter-pretation  
 Crown lands " means all lands within the Colony other than forest reserve within the meaning of the Forests Ordinance vested in the Crown or vested in the Administrator for the public uses of the Colony and shall include all lands which have been escheated to the Crown or may hereafter be otherwise acquired by the Crown. Cap. 80.
  
3. The Administrator may from time to time appoint a suitable person to hold the office of, and to discharge the duties imposed by this Ordinance or by any regulations made thereunder on, the Crown surveyor and the commissioner of lands. Appoint-ment of Crown surveyor and com-missioner of lands.
  
4. The Administrator in Council may from time to time grant, sell, exchange or lease any Crown lands, or any right or easement in or over them or any of them for such price or consideration or rent, and for such estate or term of years and on such conditions and with such reservations, if any, as he may think reasonable: Provided always that all minerals and oil shall be and are hereby reserved to the Crown. Sale, etc., of Crown lands.
  
5. (1) The Administrator in Council may make regulations with regard to— Regulations.  
 (a) the survey, management, lease, sale, disposal, occupation

and allotment of Crown lands and the custody of the records thereof;

- (b) the price of such lands and the mode of payment thereof;
- (c) the prevention of squatting, trespass or encroachment thereon and of spoil or injury to the woods thereon; and
- (d) the penalties in respect of a breach or neglect of such regulations and the mode of recovery of the same.

Regulations to be published in Gazette.

(2) Every regulation made under this section, and every condition and reservation as aforesaid shall be published in the Gazette, and, when so published, shall have the same effect as if enacted by this Ordinance.

Lands to revert to Government upon breach of conditions.

(3) If the grantee or lessee of any Crown lands shall neglect to comply with the conditions contained in the grant or lease, or any of them, such grant or lease may be revoked and determined forthwith, and the lands revert to the Crown.

Administrator may at any stage refuse to issue grant or lease.

(4) Nothing in this Ordinance or in the regulations to be framed hereunder shall in anywise prevent the Administrator from, in any case, at any stage of the proceedings, refusing to issue a grant or lease; but if in any case he so refuses under circumstances not provided for in the said regulations, all moneys previously paid or deposited by the applicant shall be returned to him.

Accountant-General to collect all moneys.

6. The Accountant-General shall collect and receive all moneys payable under this Ordinance, and all such moneys shall form part of the general revenue of the Colony.

Duties of Crown surveyor and commissioner of lands, with respect to Crown lands.

7. The Crown surveyor and commissioner of lands shall, under the direction and control of the Administrator in Council, superintend the settlement, letting and allotment of Crown lands.

Making of surveys.

8. The Crown surveyor and commissioner of lands shall make such surveys as the Administrator may direct.

9. (1) It shall be lawful for the Crown surveyor and commissioner of lands or any of his assistants duly authorised in writing, where he has reasonable grounds to believe that any land owner is in possession of lands suspected to be adjoining Crown lands, and where boundaries of such lands are doubtful to request such landowner to produce for inspection his plans, deeds or other documents as may be necessary for verifying such boundaries.

Authority by Crown surveyor and commissioner of lands to inspect plans.

(2) Every occupier of land adjoining any Crown land shall be bound, whenever required by the Crown surveyor and commissioner of lands or any of his assistants duly authorised in writing, to answer to the best of his knowledge, information, and belief, all such questions of any of the said persons relating to the boundaries of any adjoining land.

Duty to answer questions as to boundaries.

(3) Any occupier acting in contravention of this section shall be liable to a penalty not exceeding ninety-six dollars.

10. The Crown surveyor and commissioner of lands may at all times during the daytime, with all proper servants and assistants, enter into and upon and view or survey any lands adjoining any Crown lands, for the purpose of ascertaining whether Crown lands have been encroached upon: Provided that the Crown surveyor and commissioner of lands shall, before entering upon such lands, give at least three days' notice in writing of his intention to enter upon such lands to the owner or occupier of such lands, either personally or by sending such notice by registered post to his last known place of abode.

Powers of entry of Crown surveyor and commissioner of lands.

11. The Crown surveyor and commissioner of lands shall have the charge and custody of all records, papers, documents, maps, surveys, plans and diagrams of and relating to Crown lands.

Custody of records, etc.

12. (1) It shall not be lawful for any person to commence to survey any Crown lands without an order or licence in that behalf signed by the Administrator or the Crown surveyor and commissioner of lands. Any person acting in contravention of this subsection shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding ninety-six dollars.

Penalty for surveying Crown lands without order.

Penalty for trespassing on Crown lands.

(2) Any person found trespassing on Crown lands shall be guilty of an offence, and shall be liable, on summary conviction, to a penalty not exceeding twenty-four dollars.

Penalty for removing stone, gravel etc., from Crown lands.

(3) Any person who shall remove any stone, gravel, or any matter or thing whatsoever from Crown lands, whether the same be affixed to the soil or not, shall be guilty of an offence, and shall be liable, on summary conviction, to a penalty not exceeding two hundred and forty dollars, and may, in addition, be ordered to pay the value thereof.

Power of magistrate to issue summons.

13. (1) Any magistrate, upon the sworn information of the Crown surveyor and commissioner of lands that any person is in wrongful possession of Crown lands, may issue a summons calling upon such person to appear before such magistrate and answer to such information.

(2) If such person having been duly summoned, does not appear, or appearing, fails to satisfy the magistrate that he, or those under whom he claims, has or have some probable claim or pretence of title to such land, the magistrate shall make an order ejecting such person, and putting the Crown surveyor and commissioner of lands in possession of the said land.

Proceedings against person who has not paid purchase money of Crown lands.

14. (1) If in any case it is made to appear to any magistrate upon information by the Crown surveyor and commissioner of lands that any person is in possession of any land for a grant whereof a petition has been filed, but that the purchase money or any part thereof is in arrear and unpaid, such magistrate may issue a summons calling on such person to appear before him and answer to such information.

(2) If such person having been duly summoned does not appear, or appearing, fails to satisfy the magistrate that the whole of the purchase money has been paid, the magistrate shall make an order ejecting such person, and putting the Crown surveyor and commissioner of lands in possession of the said land: Provided that if the defendant shall pay such purchase money or such part thereof as shall be due and owing and the costs of the grant of such land, and such sum as the magistrate may order as costs of suit, to the

Crown surveyor and commissioner of lands, the magistrate shall report the fact of such payment to the Administrator, and thereupon a grant of the land shall issue to the defendant.

15. The magistrate shall, on making an order of ejectment under this Ordinance, make a further order that such sum or sums of money, if any, as shall have been paid by the defendant in respect of purchase money for the land which is the subject matter of the order of ejectment, be paid to the defendant by the Accountant-General, and the Accountant-General shall pay the amount so ordered to be paid from general revenue.

Repayment of purchase money paid.

16. Any information required by this Ordinance to be laid by the Crown surveyor and commissioner of lands may be laid by any person duly authorised by him in writing, in that behalf; and it shall not be necessary in any such information to state, or at the hearing thereof to prove, when possession of the land mentioned in such information by the defendant or by those under whom he may claim title, commenced.

Crown surveyor and commissioner of lands may lay information by deputy.

17. On the hearing of any information under this Ordinance, a copy of any petition for a grant of land and any proceedings on such petition, which is certified under the hand of the Crown surveyor and commissioner of lands to be a true copy, shall be admissible in evidence without any further proof of the same.

Petition and proceedings thereon to be received in evidence.

18. Every person who molests or obstructs the Crown surveyor and commissioner of lands or any other person in the execution of any duty under this Ordinance, shall be guilty of an offence, and shall be liable, on summary conviction, to a penalty not exceeding forty-eight dollars.

Penalty for molesting and obstructing Crown surveyor and commissioner of lands.

19. When any land is unoccupied, or is occupied by a person who appears to the Crown surveyor and commissioner of lands to have no title, the Crown surveyor and commissioner of lands shall make an affidavit that such land is unoccupied, or occupied by a person who, to the best of his knowledge and belief, has no title thereto, and the Attorney-General may on such affidavit, apply

Application for summons to show cause why vacant land should not be declared property of Crown.

to the Supreme Court or a judge, for a summons to all persons claiming an interest in such land to show cause why such land should not be declared to be the property of the Crown.

Granting,  
publication  
and service  
of summons.

20. The Court or judge shall grant such summons, which shall be published by advertisement in the Gazette, and such newspaper of the Colony as the Court or judge may direct during a period of six months, and shall be served on all persons living upon the land, in the first and last month of such period.

Appearance,  
etc., of  
person  
claiming.

21. Any person claiming an interest in such land shall within seven days of the last publication of the said summons, file an appearance, either in person or by his solicitor, in the office of the registrar, and shall within fourteen days from the date of such appearance, lodge in the said office a written claim containing a statement of the reason on which the same is founded.

Barring of  
claim.

22. Any interest in such land, in respect of which an appearance and claim have not been duly filed and lodged within the periods mentioned in the last preceding section, and every claim in respect thereof, shall be forever barred and precluded, and in such case the Court or judge shall, on the application of the Attorney-General, make an order declaring such land to be vested absolutely in the Crown: Provided that the Court may, for sufficient cause shown, extend the time for filing an appearance to the summons, and for lodging a written claim as aforesaid.

Hearing  
and deter-  
mination of  
claim.

23. When any such claim has been lodged as aforesaid the registrar shall inform the judge, who will fix a day for hearing the summons in chambers, and upon the hearing the judge shall either confirm or disallow the claim, and declare the land to be vested absolutely either in the Crown or in the claimant, or make such other order on the merits, and such order as to cost, as justice may require.

24. All regulations made under the Crown Lands Ordinance, 1915, shall be deemed to have been made under this Ordinance, and shall continue in force until other provision shall be made under this Ordinance. <sup>Saving. 1/1915.</sup>