

Prevention of Squatting on Crown Lands Rules

SRO 5 of 2007

ARRANGEMENT OF RULES

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PREVENTION OF SQUATTING ON CROWN LANDS RULES

[SRO 5 of 2007.]

[30th March, 2007.]

1. Citation

These Rules may be cited as the Prevention of Squatting on Crown Lands Rules.

2. Definition

(omitted)

3. Squatting on Crown Lands

(1) A person shall not take possession of, encroach upon, cultivate or put up any building or structure on any part of any Crown Land without the express authorisation in writing of the Minister.

(2) A person who fails to comply with subsection (1) or who is a person in occupation of Crown Land without any right or authority, shall be deemed to be a squatter.

4. Eviction of squatters

(1) Where the Minister is satisfied that there is a squatter on Crown Lands, he or she or she may cause a notice to be issued to the squatter calling upon him or her to vacate the land within a time to be specified in the notice.

(2) A notice issued pursuant to subsection (1) shall be served on the squatter in person or, where the squatter cannot be traced or served with the notice within forty-eight hours of its issue, posted up in a conspicuous place on the land or any building or structure existing on the land.

(3) Where a squatter fails to comply with a notice served on him or her or posted up in accordance with subsection (2) he or she commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding three months.

(4) Subject to subsection (2) and notwithstanding subsection (3), the Minister may with the assistance of a police officer, cause a squatter to be removed immediately from any land occupied by him or her and cause any building or other structure existing in the land to be demolished.

(5) Where a squatter who has been removed from any Crown Land re-occupies the Crown Land or occupies any other Crown Land without the express authorisation in writing of the Minister, he or she commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding one year.

(6) Subsection (5) shall be without prejudice to the right of the Minister to remove the squatter from the land or to cause any building or other structure put up by him or her to be demolished.

(7) Where any building or other structure is demolished pursuant to the provisions of these Rules, such part of the materials as are still in good or usable condition shall be kept by the Minister and returned to the squatter upon his or her application,

(8) In any proceedings under these Rules, a certificate from the Chief Surveyor that land which is the subject matter of the proceedings is Crown Land shall be *prima facie* evidence that the land is Crown Land.

(9) No action for damages or structure shall be taken against the Minister or any person acting under his or her authority in respect of anything done under this section except where the person evicted or the person whose building or structure was demolished was in possession of an authority in writing from the Minister to occupy the Crown Lands or to put up the building or other structure on the land or was lawfully in occupation of the Crown Lands.