

Chapter:	28 	Title:	LAND (MISCELLANEOUS PROVISIONS) ORDINANCE	Gazette Number:	3 of 2015
Section:	6	Heading:	Unlawful occupation of unleased land	Version Date:	06/02/2015

(1) Subject to subsection (2A), if unleased land is occupied, otherwise than under a licence or a deed or memorandum of appropriation, the Authority may cause a notice, requiring the occupation of the land to cease before such date as may be specified in the notice, to be posted in one or more places- (Amended 56 of 1979 s. 3)

- (a) on or near the land; or
- (b) on any property or structure on the land.

(2) If the occupation of unleased land does not cease as required by a notice under subsection (1), any public officer, or other person, acting on the direction of the Authority may, with the assistance of such other public officers or other persons as may be necessary-

- (a) remove from the land the persons (if any) thereon; and
- (b) take possession of any property or structure on the land.

(2A) Notwithstanding subsection (1), where-

- (a) a structure is being erected on or over unleased land, otherwise than under a licence or a deed or memorandum of appropriation; or
- (b) a structure has been erected on unleased land, otherwise than under a licence or a deed or memorandum of appropriation, and the Authority is reasonably satisfied that the structure is not being habitually and bona fide used,

any public officer, or other person, acting on the direction of the Authority may, with the assistance of such other public officers or other persons as may be necessary, and without giving any notice-

- (i) remove from the structure any person or property therein;
- (ii) demolish the structure; and
- (iii) take possession of such property and of any property resulting from the demolition of the structure. (Added 56 of 1979 s. 3)

(3) Any property or structure of which possession is taken under subsection (2)(b) or subsection (2A)(iii) shall become the property of the Government free from the rights of any person and may be demolished or otherwise dealt with as the Authority thinks fit. (Amended 56 of 1979 s. 3; 29 of 1998 s. 105)

(4) Any person occupying unleased land, otherwise than under a licence or a deed or memorandum of appropriation, who without reasonable excuse does not cease to occupy the same as required by a notice under subsection (1) shall be guilty of an offence. (Amended 3 of 2015 s. 3)

(4AA) A person who is guilty of an offence under subsection (4) is liable—

- (a) on the first occasion on which the person is convicted of the offence, to a fine of \$500000 and to imprisonment for 6 months and, in the case of a continuing offence, to a further fine of \$50000 for each day during which the offence continues; and
- (b) on each subsequent occasion on which the person is convicted of the offence, to a fine of \$1000000 and to imprisonment for 6 months and, in the case of a continuing offence, to a further fine of \$100000 for each day during which the offence continues. (Added 3 of 2015 s. 3)

(4A) Any person who-

- (a) is engaged in any way in the erection of a structure on unleased land; or
- (b) arranges or directs the erection of a structure on unleased land,

being a structure being erected otherwise than under a licence or a deed or memorandum of appropriation, shall be guilty of an offence. (Added 56 of 1979 s. 3. Amended 46 of 1982 s. 2; 3 of 2015 s. 3)

(4B) A person who is guilty of an offence under subsection (4A) is liable—

- (a) on the first occasion on which the person is convicted of the offence—
 - (i) if the contravening act is done for the purpose of disposing of the structure for the gain of the person or another (*gainful purpose*)—to a fine of \$2500000 and to imprisonment for 1 year; or
 - (ii) if the contravening act is done for any other purpose—to a fine of \$500000 and to imprisonment for 6 months; and
- (b) on each subsequent occasion on which the person is convicted of the offence—
 - (i) if the contravening act is done for a gainful purpose—to a fine of \$5000000 and to imprisonment for 1 year; or
 - (ii) if the contravening act is done for any other purpose—to a fine of \$1000000 and to imprisonment for 6 months. (Added 3 of 2015 s. 3)

(5) The Authority may recover from any person convicted of an offence under subsection (4) or (4A) any cost incurred in or arising out of the demolition of any property or structure under subsection (2A) or (3) and the exercise of the powers conferred by this section. (Amended 56 of 1979 s. 3)

(6) In any court proceedings for an offence under subsection (4) or (4A), the court may, on application by the Authority or on the court's own initiative, order the person convicted of the offence to pay the cost mentioned in subsection (5). (Added 3 of 2015 s. 3)

(7) The cost mentioned in subsection (5) may be recovered from or ordered against a person in addition to any penalty imposed on the person under subsections (4AA) and (4B) for the offence. (Added 3 of 2015 s. 3)