

**State Lands Encroachments Act  
(CHAPTER 315)**

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## **THE SCHEDULE**

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## **STATE LANDS ENCROACHMENTS ACT**

### **(CHAPTER 315)**

**(Original Enactment: Ordinance 10 of 1883)**

**REVISED EDITION 1985**

**(30th March 1987)**

An Act to prevent encroachments upon State lands.

[2nd November 1883]

### **Short title**

1. This Act may be cited as the State Lands Encroachments Act.

### **Information of encroachment**

2. A Magistrate's Court, upon the sworn information of the Commissioner of Lands, or of any land revenue or other public officer, charging any person with being in unlawful occupation of any State land, may issue a summons for the appearance before it of that person.

## **Removal of unlawful occupants**

3.—(1) The Magistrate's Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any person against whom such information has been laid, then in his absence, to hear and determine the information.

(2) In any action commenced under section 2 for the removal of any person in unlawful occupation of State land, the defendant may within such time as may be prescribed by the Rules of the Supreme Court for the time being in force, apply to the High Court for the action to be transferred to the High Court on the ground that the defendant is claiming title to the land.

[23/74]

(3) On the hearing of any such application, the High Court, if it is satisfied that a bona fide claim of title is raised, may make an order for the action to be transferred to the High Court.

[23/74]

## **Warrant issuable by court for dispossession**

4.—(1) The Magistrate's Court on being satisfied of the truth of the information shall issue a warrant addressed to the Commissioner of Police or to any police officer requiring him forthwith to dispossess and remove that person from the land, and on behalf of the State to take possession of the land, together with all crops growing thereon, and all buildings and other immovable property upon and affixed thereto, and all movable property found thereon.

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(2) The person to whom the warrant is addressed shall forthwith carry it into execution.

(3) Such warrant shall not issue until a period of 48 hours has elapsed from the time of adjudication.

(4) The Government may forfeit any movable property which has been seized on the land pursuant to the execution of a warrant referred to in subsection (1) if such movable property has been seized after the expiry of period of 28 days from the date of service of a written notice on the unlawful occupants of the land requiring them to vacate the land and warning them that if any movable property thereon is not so removed within 28 days of the date of service of the notice that property may be seized and forfeited to the Government.

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(5) If the summons is dismissed, the Magistrate's Court may order payment by the Government to the party against whom it was issued of such sum as the Court considers to be the amount of costs fairly incurred.

## **Forms**

5. The information, summons and warrant respectively referred to in sections 2 and 4 may be in the forms A, B and C in the Schedule.

## **Demolition of unlawful buildings**

6.—(1) A Magistrate's Court, upon the sworn information of the Commissioner of Lands, or of any land revenue or other public officer, that any building has been erected or constructed upon State land without lawful authority, shall issue a summons calling upon any person interested to show cause why an order should not be made declaring the building to be State property and authorising its demolition by or under the authority of the Commissioner of Lands, or any land revenue or other public officer.

(2) That summons shall forthwith be posted or affixed by a court officer to the building referred to in the summons or as near thereto as may be practicable and no other service of the summons shall be necessary.

(3) If no bona fide application to show cause as aforesaid is made to the Magistrate's Court issuing the summons by any person interested within 3 clear days of the date on which the summons is posted or affixed to the building, then the order shall be made by the Magistrate's Court and may be enforced forthwith.

(4) If an application to show cause as aforesaid and supported by affidavit showing the grounds of the application is made to the Magistrate's Court issuing the summons by a person interested within the time provided by subsection (3), then the Magistrate's Court on being satisfied that the application is a bona fide one shall give notice of the application to the person swearing the information, shall fix a date for the hearing and determination of the information and shall give due notice thereof to the parties concerned.

(5) On the date so fixed for the hearing and determination of the information, the Magistrate's Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any of the parties, then in his or their absence, to hear and determine the information.

(6) The jurisdiction of that Court shall be taken away by a bona fide claim of title raised by a person interested at the hearing.

(7) In this section, "building" includes any structure whatsoever.

(8) The information and summons referred to in this section may be in the forms D and E in the Schedule.

## **Penalties for trespassing**

7.—(1) Any person who —

- (a) unlawfully enters into possession of any State land, either by residing or by erecting any building or hut thereon or by clearing, enclosing or cultivating any part thereof;
- (b) unlawfully trespasses on State land by depositing, placing or throwing any article or thing whatsoever, or any waste, refuse or other thing, thereon; or
- (c) directly or indirectly abets the commission of such an act or trespass by another person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both, and a District Court or a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this subsection and, notwithstanding anything to the contrary in the Criminal Procedure Code [Cap. 68], shall have the power to impose the full penalty or punishment provided by this subsection.

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(2) Any person who —

- (a) unlawfully enters upon any State land and cuts timber or produce thereon; or
- (b) directly or indirectly abets the commission of such an act by another person,

shall be liable for a first offence to a fine not exceeding \$200, and, for a second or subsequent offence, to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both, and a Magistrate's Court shall have jurisdiction to hear and determine all proceedings under this subsection.

(3) Where an offence under subsection (1) has been committed by a company or an association or body of persons, corporate or unincorporate, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other officer thereof or was purporting to act in such capacity shall also be deemed to be guilty of such offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

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## Recovery of expenses

8.—(1) The court before which any person is convicted of an offence under section 7 may order that person to pay, in addition to any fine which has been imposed for the offence, the value of any timber or other Government property cut down, destroyed or