

CHAPTER 116.**PUBLIC LANDS.****ARRANGEMENT OF SECTIONS.****SECTION.**

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CHAPTER 116.

PUBLIC LANDS.

An Ordinance to repeal The Public Lands Ordinance, 1896, and to make other provisions in lieu thereof.

[12TH APRIL, 1898.]

6 of 1898.
12 of 1924.
44 of 1924.
12 of 1928.
24 of 1932.
26 of 1945.
10 of 1946.
P.N. 148
of 1959.

1. This Ordinance may be cited, for all purposes, as the Public Lands Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpreta-
tion.
“public work” means any work not coming within the provisions of the Railway Ordinance executed, maintained or repaired, and any measure or undertaking prosecuted, whether wholly or partly, at the public expense; Cap. 134.

“land” includes all land, whether covered with water or otherwise, together with all buildings and erections, if any, thereon, and, where such meaning may be inferred, any right to the same;

“Minister” means the Member of Executive Council charged for the time being with responsibility for the subject of lands; P.N.
148 of 1959.

“Chief Justice” includes any Judge of the Supreme Court of Sierra Leone in its civil jurisdiction.

PART I.—ACQUISITION OF LANDS FOR THE SERVICE OF THE COLONY.

3. (1) Whenever the Governor in Council resolves that any land is required for any public work, the Governor may from time to time, by writing under his hand, authorise any person, together with his agents, servants or workmen, to enter as often as may be necessary upon such land, and there to survey and take levels, to make borings or trial pits, and to do such other acts as may be necessary with a view to the taking or appropriating of any such land. Power to
enter to
survey.

(2) The report of any such person, together with a plan of such land, shall be laid before the Governor and House of Representatives.



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(2) The report of any such person, together with a plan of such land, shall be laid before the Governor and House of Representatives.

Warrant for
acquisition
of land.

4. Whenever the Governor, with the advice and consent of the House of Representatives, shall by resolution declare that any land shall be acquired for any public work, it shall be lawful for the Governor, by warrant under his hand and the public seal of the Colony, to direct that such lands shall be acquired for the service of the Colony.

Every such warrant may be in the Form A in the schedule hereto, and shall be published in the *Gazette*.

Service of
notice on
owners.

5. Whenever, by any such warrant, as in the last section mentioned, it is directed that any land shall be acquired for the service of the Colony, the Director of Surveys and Lands shall cause to be served personally on the person or persons entitled to sell or interested in any lands specified in such warrant, or if he or they cannot be found, shall cause to be left at his or their last usual place or places of abode or business with some inmate thereof, to be given to such person or persons, and in case no such person can be ascertained or found, shall cause to be left with the occupier of such lands, or if there be no such occupier, shall cause to be affixed on some conspicuous part of such lands, within eight days from the date of such warrant, a notice in the Form B in the schedule hereto, or as near thereto as possible.

Power to
enter and
take land.

6. After the lapse of twenty-one days from the publication of any such warrant in the *Gazette* it shall be lawful for the Director of Surveys and Lands, with all necessary workmen and other servants, to enter upon such land, and also to set out, appropriate and take so much of such land as is specified in the said warrant.

Land to be
marked out.

7. When the Director of Surveys and Lands shall set out, appropriate and take the land specified in any such warrant, he shall cause such land to be marked out, and a notice to be posted in some conspicuous part of such land, and such notice shall be in these words, viz.:—"Taken for the service of the Colony," and shall be signed by the Director of Surveys and Lands. All such land, when so set out, appropriated or taken, shall be vested in Her Majesty the Queen, free from all other estates and all liens, rights, charges and encumbrances whatsoever.

Plan and
certificate to
be registered.

8. Within eight days after any such appropriation, the Director of Surveys and Lands shall cause a plan of the land so set out, appropriated and taken as aforesaid, together with a certificate, under his hand, to the effect that the same has been taken and appropriated for the service of the Colony, to be registered in the Office of the Registrar General.

9. When any land has been taken and appropriated for the service of the Colony, whether under the provisions of this or any other Ordinance, the registration of a plan of such land, together with the certificate in the Office of the Registrar General, as in the last section mentioned, shall be conclusive evidence that such land has been set out, appropriated and taken for the service of the Colony under the provisions of this Ordinance.

Registration
to be con-
clusive.

10. If any land be so cut through and divided by the taking and appropriation of part of such land for any public works as to leave a portion thereof practically useless to the owner for the purpose for which he had been accustomed to use the land, it shall be lawful for the owner of such land, by notice in writing to be served on the Director of Surveys and Lands, at any time, before an agreement is come to, for the purchase of the land taken as aforesaid, or before the assessment of the price to be paid for such land under the provisions of this Ordinance, to require the Governor, on behalf of her Majesty the Queen, to purchase not only the land actually taken as aforesaid, but also the land rendered useless as aforesaid by reason of the severance aforesaid, and thereupon it shall be lawful for the Governor to purchase the land rendered useless as aforesaid, or, if he refuse to do so, it shall be lawful for the Chief Justice, if he shall find as a fact that any portion of the said land has been, by the severance, rendered useless as aforesaid, to adjudge that the Governor shall purchase the same and determine the price to be paid for the same in the same way as if such land was actually taken for any public work.

Land
injuriously
affected.

11. It shall be lawful for the Minister to resell any land purchased under the provisions of the last preceding section, and any moneys arising from any such sale shall be carried to, and form part of, the general revenue of the Colony.

Resale of
land.

12. Nothing in this Ordinance shall be deemed to authorise the Director of Surveys and Lands to take a part only of any house, building or manufactory, but where a part of the land on which any house, building or manufactory stands is required for any public work it shall be lawful for the owner of such house, building or manufactory to require the Director of Surveys and Lands to take the whole house, building or manufactory:

Part of house,
etc., not to be
taken.

Provided that it shall be lawful for the Minister to resell any portion of any such house, building or manufactory that may