

THE CROWN LANDS DISPOSAL ACT

Date of commencement: 13th March, 1911

An Act to make provision for the disposal of Crown lands.

Short title.

1 This Act may be cited as the Crown Lands Disposal Act, 1911.

Interpretation.

2. In this Act, unless inconsistent with the context —

“Crown lands” means and includes —

- (a) any land in Swaziland not being land set apart and demarcated by or on the authority of the Minister for the sole and exclusive occupation of Africans which may be proclaimed by the Minister as Crown lands;
- (b) any land in Swaziland which has been lawfully transferred to or appropriated by the Minister which has been or may hereafter be lawfully transferred to or expropriated by the Government of Swaziland, but shall not include —
 - (i) any land under the control of the Minister by virtue of section 21 of Part V of the Concessions Act No. 3/1904; or
 - (ii) the land proclaimed to be Crown or Government land and dealt with by the Mbabane Township Proclamation (*Cap 75*) (Not Reprinted);

“Minister” means the Minister for Local Administration.

Power of the Minister.

3. The Minister may dispose of Crown lands by grant, sale, lease or otherwise in such manner and on such conditions as he may deem advisable, and may grant any Crown land in exchange for any other land or interest therein if it shall appear to him expedient to do so.

Rights to minerals.

4. All rights to precious or base metals, precious stones, minerals or mineral products shall be excluded from the grant, sale, lease or other disposal of Crown lands under this Act.

Rights over land alienated.

5. (1) The Minister may resume for public purposes the whole or any part of any land alienated under this Act, subject to the payment of such compensation as may be agreed upon between the Minister and the grantee or lessee of, or other person interested in, such land, or, in default of agreement, as may be determined by arbitration in manner provided by the Acquisition of Property Act, No. 10/1961 or any amendment thereof.

(2) The Minister may make roads, dams, water-courses and drains, and to conduct telegraphs and telephones through and over any land alienated under this Act, for the benefit of the public, and to take materials for these purposes; also to establish convenient outspans for the use of travellers on payment to the grantee or lessee or other person interested of such sum of money as compensation for improvements as may be mutually agreed to between the parties concerned or failing such agreement as may be determined by arbitration in manner provided by the Acquisition of Property Act No. 10/1961 or any amendment thereof:

Provided that the arbitrators may set off against the loss or damage caused to the grantee or lessee or other person as aforesaid the benefit instant or prospective which he shall or may derive in consequence of the construction of any of the said works.

Signature of grants.

6. The Minister may and is hereby empowered, subject to the Vesting of Land in King Order No. 45/1973, to sign and execute on behalf of the Government all grants of Crown lands and all leases or agreements relating to the disposal of land: and such grants shall be sealed with the appropriate seal of office.

Register.

7. (1) The Registrar of Deeds shall open and keep special registers wherein all leases of Crown lands shall be registered and notwithstanding anything contained in the Transfer Duty Act No. 8/1902, the Stamp Duties Act, No. 37/1970, the Deeds Registry Act, No. 37/1968, or of the Deeds Registry Regulations No. 37/1968(1) or any amendments of them, such leases need not be drawn before a notary public, nor shall they be subject to transfer duty or stamp duty except in case of subsequent transfer or cession when such transfer or cession shall be in the ordinary form and subject to the duties prescribed by law.

(2) If the Government is not in possession of written title to any land leased the entry in the special register kept in the Deeds Office shall be regarded as effective registration.

Cancellation of leases.

8. On the termination or cancellation of any lease the Minister shall forward to the Registrar of Deeds a notification to that effect duly signed by him and by the lessee together with the copies of the deeds held by them and the registrar shall thereupon cancel the registration of the lease without payment of any fee for such cancellation; but if the consent of the lessee to cancellation cannot be obtained, a certificate to that effect by the Minister and his consent shall be deemed sufficient authority to the Registrar of Deeds to cancel the registration of the lease.

Diagrams.

9. (1) If one or more lots of land sub-divided according to a general plan filed in the Deeds Office is or are granted or leased by the Government it shall not be necessary to annex a diagram to the grant or lease, but as soon as it is first sought to transfer or lease a portion of such lot there shall in addition to a diagram of that portion annexed to the transfer or lease of that portion be filed in the Deeds Office a diagram of the whole.

(2) The diagram last mentioned in subsection (1) may be a copy certified by the Surveyor-General of a portion of the general plan mentioned in this section.

Amended grants.

10. If it is found that the description or diagram of the land the subject of any grant or lease under this Act does not properly describe the land intended by the grantee or lessee to be therein comprised or to which such grantee or lessee is entitled either by reason of an error in the description or survey or from any other cause, the Minister may recall such grant or lease and an amended grant or lease may be issued in lieu thereof:

Provided that if there be a dispute between the Minister and the grantee or lessee as to the boundaries of the land or the diagram, the cancellation of the original grant, lease or diagram shall take place in accordance with the existing laws relative thereto.

Conditions of grants.

11. (1) The Minister may insert in any grant or lease under this Act such conditions as he may deem necessary to secure the beneficial occupation of the land granted or leased and may prescribe such penalties for non-fulfilment of the conditions including cancellation or forfeiture of any grant or lease as he may think fit.

(2) The Minister may waive the penalties so provided in any case where he may think such waiver just or equitable.

Regulations.

12. The Minister may make regulations —
- (a) for the establishment and proclamation of towns and proper laying out and survey of erven or lots therein;
 - (b) for prescribing the form of grants or leases under this Act;
 - (c) for any object or purpose that may be deemed necessary for the efficient administration of this Act.

Note: Although Legal Notice No. 38 of 1967 replaced the word "Crown" by "Government", the former has here been re-instated in view of the provisions of the vesting of Land in King Order No. 45 of 1973, to which this Act is subject.