STATE LANDS
RL 2/183 – 1 October 1982

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SCHEDULE 1  Short title
This Act may be cited as the State Lands Act.
[Amended 48/91]

2  Interpretation
In this Act –
“State land” includes defence lands, ‘pas géométriques’ and all lands belonging to or in possession of the State;
“defence lands” means the land specified in the Schedule;
“land settlement land” means State land which the Minister, by notice in the Gazette, declares to be land settlement land;
“Minister” means the Minister to whom responsibility for the subject of land use is assigned.
[Amended 48/91]

2A  Jurisdiction over defence lands
No alienation, disposal, lease or right in, or over, defence lands shall be granted except by or on behalf of the Minister to whom the responsibility for the subject of defence is assigned.

3  Sale of State land
The Minister may sell State land other than –
(a) defence lands;
(b) mountain reserves which belong to the State;
(c) ‘pas géométriques’; or
(d) river reserves which belong to the State.
[Amended 48/91]

4  Grant or lease for charitable purposes
(1) No State land shall be granted or leased otherwise than at its full rental value.
(2) Notwithstanding subsection (1), the Minister may –
(a) where a portion of State land is bona fide required for religious, charitable or educational purposes, or for purposes of public utility, grant such land, or lease it, on payment of such rental and on such condition as he may approve;
(b) where a portion of State land is bona fide required for development purposes, grant such land, or lease it on payment of such rental and on such condition as he may approve.
[Amended 48/91]

5  Sales by public auction
(1) All sales of State land shall be by public auction.
(2) No State land shall be sold unless it is in the public interest to do so and in exchange of another portion of land.
[Amended 34/89; 48/91]

6  Leases of State land
(1) All leases of State Land shall be –
(a) by public auction, notice of which shall be given in the Gazette, and 2 daily newspapers, 2 weeks at least before the day fixed for the auction, or by private contract upon such terms and conditions, not inconsistent with this Act, as the Minister may approve; and
(b) subject to the conditions that –
(i) the land leased shall not be used for any purpose for which it is not leased without the prior approval in writing of the Minister;
(ii) the land leased shall not be so utilised as to constitute any nuisance or to cause any detriment to or pollution of the natural resources and the environment, including any adjoining sea, beach, lake, canal or river; and
(iii) the lease may be cancelled, after service of a notice setting out the reason for the cancellation, if subparagraph (i) or (ii) is not duly observed.

(1A) In the case of leases for campement sites, not more than –
(a) one lease shall be held by a person at any time; and
(b) one arpent and a quarter shall be let at any time to a person unless –
(i) a portion of State land exceeding one arpent and a quarter is so situated that it cannot conveniently be divided, and, in the opinion of the Minister, it is desirable to let the whole of that portion to one person; or
(ii) the granting of a lease of State land exceeding one arpent and a quarter is –
(A) in the opinion of the Minister in the public interest; or
(B) approved by the Minister, where the land is to be used for recreation by a registered club or for a bona fide religious, charitable or educational purpose.

(2) The rents shall be payable in advance and, in default of payment of an instalment within one month after service of a notice claiming payment, the Minister may, notwithstanding any other enactment, by an order in writing, cancel the lease, and thereupon the Government may, without any further formality, resume possession of the land.

(3) (a) Where the lessee, in the exercise of his rights under the lease, has planted the land possession of which is resumed by the Government, the Minister shall assess the value of the plantations existing at the time of resumption of possession and shall, after deducting from the assessment the arrears of rent due, pay over to the lessee, as compensation, an amount equal to the excess, if any, of the assessment over the arrears of rent due.

(b) Once the assessment has been made, the lessee shall be made aware of it, and shall be informed of his right of appeal under subsection (4).

(4) A lessee aggrieved by the assessment made under subsection (3) may appeal to the Magistrate of the district where the State land is situated.

(5) Every appeal to the District Court shall be by plaint with summons, and shall be heard and determined according to the procedure prescribed by the District and Intermediate Courts (Civil Jurisdiction) Act.

(6) The plaint shall state the grounds of appeal, and the appellant shall not adduce evidence of any ground which is not included in the plaint.

(7) The plaint shall be lodged with the District Clerk within 10 days after notification to the appellant of the assessment complained of.

(8) The Magistrate may either dismiss the appeal or vary the assessment, with or without costs.

[Amended 34/89; 48/91]

7 Rules for sale or lease by auction

(1) Where State land is to be sold or leased by public auction, the Minister shall give notice thereof in the Gazette and 2 daily newspapers 2 weeks at least before the day fixed for the sale or lease.

(2) The notice shall distinctly state whether there are on the land intended to be sold or leased buildings belonging to the State and, if so, whether the buildings are to be sold or leased with the land.

(3) (a) Subject to paragraph (b), the land or the lease thereto shall be adjudged at the auction to the highest bidder.

(b) The Minister may withdraw such land or lease from the auction if the highest bid is, in his opinion, below the actual value of the land or the actual rental value, as the case may be.

[Amended 48/91]

8 Land with buildings
(1) Where there are on the land to be disposed of any buildings not belonging to the State, the land shall be sold irrespective of the value of the buildings, the purchaser of the land being left free to contract with the owner of the buildings.

(2) Before the land is put up for sale, the owner of the buildings shall receive 28 days notice from the Chief Surveyor in order to elect to remove his buildings before the sale.

[Amended 48/91]

9

10 Conditions of sale settled by Minister

(1) (a) The conditions of sale settled by the Minister shall be read aloud by the public auctioneer, and may vary according to the special circumstances of every case.

(b) In every case, one quarter of the purchase price shall be paid before the purchaser is allowed to sign the conditions of sale, and the purchaser shall enter into a bond with 2 sureties bound jointly and severally with him to pay the balance of the purchase price at the time and in the manner settled in the conditions of sale.

(2) Nothing in subsection (1) shall take away, or in any manner modify, the Government’s privileged vendor’s right in and over the property thus sold.

11 Purchase price

The public auctioneer shall forthwith pay in to the hands of the Accountant-General the sums paid on account of every such sale, and the Accountant-General, to whom the necessary information shall forthwith be conveyed by the Chief Surveyor, shall claim payment of the balance due at the time when such payments ought to be effected.

12 Time for payment may be granted

(1) The Minister may grant time to a purchaser for the payment of the balance due on any purchase price, and where any such balance is not paid at the time it should be paid the land shall be put up again for sale by public auction in the manner and form specified in this Act.

(2) The money deposited on the day of sale shall be forfeited, and the bonds shall at once be referred to the Attorney-General for action in case of need.

(3) Where, on a subsequent sale, or upon action brought against the original purchaser or sureties, the whole amount of the original purchase price with all costs and incidental charges is recovered, the Minister may remit to the original purchaser such portion of the forfeited money as is in excess of the original purchase price, costs and incidental charges.

13 Payment of purchase price

A purchaser may pay to the public auctioneer at the time of the sale the whole of the purchase money, and also pay by anticipation into the hands of the Accountant-General the whole of the balance due on the purchase price.

14 Deed of sale to be executed within 4 months

(1) Every purchaser or lessee shall execute the deed of sale or of lease within 4 months of his entry in possession.

(2) Every deed of sale shall embody the conditions of sale under which the adjudication took place, a short memorandum of the adjudication and, where the conditions of sale do not convey a sufficiently clear and accurate verbal description, there shall be annexed a descriptive survey of the lands sold, made or caused to be made by the Permanent Secretary of the Ministry responsible for the subject of lands or any officer delegated by him.

(3) The survey shall be made at the expense of the purchaser.

(4) Every deed of lease shall contain the stipulated conditions of the lease, and to it shall be annexed a descriptive survey under the same conditions as are enacted for deeds of sale.

15 Deed made at transferee’s expense
Deeds, whether of sale or of lease, shall be made at the expense of the purchaser or lessee, and shall be registered and transcribed by the Conservator of Mortgages at the instance of the Government, but at the expense of the purchaser or lessee.

15A  Parties to deeds
   (1) The deeds mentioned in section 15 shall be signed by the party purchasing the land or taking the lease and the Permanent Secretary of the Ministry.
   (2) Deeds of lease of land settlement land shall be signed by the party taking the lease and by the Chief Agricultural Officer.

15B  Control over land settlement land
   Notwithstanding any other enactment, the control of, and supervision over, land settlement land, shall be vested in the Chief Agricultural Officer.

16  Non-execution of deed of sale or lease
   (1) Where a purchaser or lessee neglects to execute his title deed within the period specified in section 14, he shall receive a notice to do so within 14 days, and where such notice is not complied with within 14 days, the sale or lease shall be held to be annulled and a new sale or lease shall be proceeded with.
   (2) The money paid by the purchaser or lessee shall be forfeited, subject to the power granted to the Minister by section 12.

17  Purchase of land not advertised
   A person who wishes to purchase at a public auction land which has not been advertised for sale, or to lease the land may apply to the Minister stating as precisely as possible the locality, area and boundaries of the land required to be purchased or to be held under contract of lease.

18  ‘Jouissances’
   The Minister shall not grant ‘jouissances’ of State land.
   [Amended 48/91]

19  –

20  Expanding ‘jouissances’
   (1) Existing ‘jouissances’ held for a limited period determined by efflux of time, shall not be renewed, but may be converted into a sale or a lease as the Minister thinks fit.
   (2) Where there are buildings erected by the holder of the ‘jouissance’ on the land, the holder may remove his buildings or demand that the land be put up for sale, unless the Minister agrees to purchase the buildings.

21  –

22  Eviction of squatters
   (1) No person shall take possession of, encroach upon, cultivate or put up any building or other structure on any part of any State land without the express authorisation in writing of the Minister.
   (2) Every person who fails to comply with subsection (1) or who is a person in occupation of State land without any right or authority, shall be deemed to be a squatter.
   (3) Where the Minister is satisfied that there is a squatter on State land, he may cause a notice to be issued calling upon him to vacate the land within a delay to be specified in the notice.
   (4) A notice issued under subsection (3) shall be served on the squatter in person or, where the squatter cannot be traced or served with the notice within 48 hours of its issue, posted up in a conspicuous place on the land or any building or other structure on the land.
   (5) (a) Where a squatter fails to comply with a notice served on him or posted up in accordance with subsection (4), he shall commit an offence and shall, on conviction, be liable –
      (i) in the case of a person who has put up a building or other structure on State land, to imprisonment for a term not exceeding 5 years;
(ii) in any other case, to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 12 months.

(b) Any person who incites another person to take possession of, encroach upon, cultivates or put up any building or other structure on any part of any State land without the express authorisation in writing of the Minister, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 5 years.

(c) The Probation of Offenders Act shall not apply to a conviction under this subsection.

(6) Subject to subsection (3), and notwithstanding subsection (5), the Minister may, with the assistance of a police officer, cause a squatter to be removed from any land occupied by him, and cause any building or other structure existing on the land to be demolished.

(7) Where a squatter who has been removed from State land re-occupies it, or occupies other State land without the express authorisation in writing of the Minister, he shall commit an offence and shall, on conviction, be liable to a fine of 5,000 rupees and to imprisonment for a term which shall not be less than one year or more than 3 years.

(8) Subsection (7) shall be without prejudice to the right of the Minister to remove the squatter from the land, or to cause a building or other structure put up by him to be demolished.

(9) Where a building or other structure is demolished pursuant to this section, 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 application and upon payment by him of a reasonable sum to defray the expenses of demolition.

(10) In any proceedings under this section, a certificate from the Chief Surveyor that land which is the subject-matter of the proceedings is State land shall be prima facie evidence that the land is State land.

(11) No action for damages or otherwise shall lie against the Minister, or any person acting under his 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 land or to put up the building or other structure on the land, or was lawfully in occupation of the land.

[Amended 6/86; 45/91; 48/91; R 4/86]

23

24 Entry of surveyors on contiguous properties

(1) Where a Government surveyor, or a land surveyor deputed by the Permanent Secretary of the Ministry responsible for the subject of lands shall bona fide in the course of a survey find it necessary to enter upon the property of a neighbouring proprietor for the purposes of his operations, he may do so, provided that if such neighbouring proprietor, to whom 8 days written notice has been given, raises an objection or makes a protest, the Government surveyor or land surveyor shall take note of such objection or protest, and enter the same in the memorandum of survey drawn up by him.

(2) Where the surveyor finds it necessary to cut standing crops or timber or brushwood for the purposes of his operation, he shall apply to a Judge in Chambers or the Magistrate of the district, and the Judge or Magistrate may give an order to that effect after having heard the neighbouring proprietor.

(3) Where a frivolous or false objection or protest is made to the entry of a surveyor instructed to carry out the provisions of this Act, the Court or the Judge or the Magistrate called upon to adjudicate on the nature and force of such objection or protest, may declare the same to have been false or frivolous, and may order the party who made the objection or protest to pay the costs of suit and a fine not exceeding 200 rupees.

25 Curatelle lands
(1) Where the Curator has been sent in possession of immovable property, the area of
which is of 50 acres or more, he shall give notice of the fact to the Conservator of Forests, who
shall then keep watch over, superintend and protect, such property on behalf and at the expense
of the Curator.

(2) The Conservator of Forests shall not incur any expense on account of the property,
except such as may be necessary to keep watch over, superintend and protect it.

26 Rights of police and forest officers
   (1) A police officer shall have the same rights and duties as a forest officer and, when
       acting as such, shall be deemed a forest officer under this Act.

   (2) A forest officer shall have, with regard to search warrants issued in any suspected
       case of a breach of this or any other enactment concerning State land, woods, forests or
       plantations, the same powers as a police officer.

[Amended 48/91]

27 –

28 Costs and powers of Minister
   (1) Where the Minister thinks it just and expedient to grant a lease of State land to a
       person having squatted on it, or to any other person, and whatever may be the terms or
       conditions of the lease, the Minister, where satisfied that the tenant or intended tenant is too poor
       to be able to pay the costs for a title deed or for its registration, may remit such costs, or reduce
       them to such nominal sum as he thinks just and reasonable, or allow them to be paid by
       instalments.

   (2) The costs for a title deed which the Minister is empowered to remit or reduce, or allow
       to be paid by instalments, under this section shall include costs of transcription of the title deed.

[Amended 48/91]

29-30 –

31 Exchange of State land
   Subject to this Act and the Pas Géométriques Act, the Minister may authorise the
   exchange of State land for any other land by private contract, upon such terms and conditions as
   he may approve.

[Amended 48/91]

32 State land in payment of compensation
   Subject to this Act and the Pas Géométriques Act, the Minister may authorise State land to
   be given by private contract, upon such terms and conditions as he may approve, in payment of
   any compensation payable in respect of land compulsorily acquired by the Government.

[Amended 48/91]

33 Regulations
   (1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

   (2) Any regulations made under subsection (1) may include conditions under which
       stones, coral, earth, turf and grass may be removed from State land.

   (3) Any person who removes, or causes to be removed, any stones, coral, earth, turf or
       grass from State land in contravention of any condition prescribed by such regulations shall
       commit an offence and shall, on conviction, be liable, to a penalty not exceeding 50 rupees.

   (4) In the case of leased ‘pas géométriques’, the consent in writing of the lessee to the
       removal of stones, coral, earth, turf, grass or sand from the ‘pas géométriques’ shall be obtained.

[Amended 34/89; 48/91]

34 Public nuisance
   (1) Any person who dumps, or causes to be dumped, any sand, coral, earth, stones,
       wood or other object on State land or on any beach, sea, canal, river or lake adjoining State land,
shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 500 rupees or more than 2,000 rupees, and to imprisonment for a term which shall not exceed 6 months.

(2) In addition to the penalty specified in subsection (1) the Court may order the offender to remove the subject-matter of the offence, within a period to be specified by the Court or, in case of default, to pay the costs of the removal.

(3) Subject to subsection (1), any person who acts contrary to section 6(1)(b)(ii) shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 1,000 rupees nor more than 5,000 rupees, and to imprisonment for a term which shall not be less than 1 month nor more than 12 months.

(4) –
[Amended 34/89; 48/91]

35 State land imprescriptible
Notwithstanding article 2227 of the Code Napoléon or any other enactment, State land is imprescriptible.
[Amended 48/91]

36 Recovery of rent
(1) Recovery of rent due under –
   (a) any shooting, fishing or grazing lease, of State land shall take place at the instance of the Conservator of Forests;
   (b) any other lease of State land shall take place at the instance of the Accountant-General.

(2) Where any rent is due, it shall be recovered by the Conservator of Forests, or the Accountant-General, as the case may be, under the procedure and in the form and manner provided by the Recovery of State Debts Act, and that Act shall apply to all proceedings under this section.
[Amended 34/89; 48/91]

SCHEDULE
(section 2)

(1) A portion of land situate at Le Chaland in the district of Grand Port of an extent of 16A64 excised from a portion of 44A80 which belonged to the Admiralty as evidenced by title deed transcribed in Vol 512 No 215 and subsequently transferred to the Secretary of State for Defence by virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom. The said portion of 16A64 is more fully described in a Memorandum of Survey drawn up by Mr R Duvergé, Surveyor, Ministry of Housing, Lands and Town and Country Planning, and closed on 24 February 1969 and registered in Reg LS 20 No 9649.

(2) Three portions of land situate at Vacoas in the District of Plaines Wilhems and measuring respectively 17A70, 11A60 and 10A55 being all that remains of a portion of an original extent of 41A50 which belonged to Her Majesty’s Principal Secretary of State in the United Kingdom as evidenced by title deed transcribed in Vol 230 No 141 and subsequently transferred to the Secretary of State for Defence by virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom and more fully described in a Memorandum of Survey drawn up by Mr Max Derblay, Surveyor, Ministry of Housing, Lands and Town and Country Planning and closed on 31 December 1968 and registered in Reg LS 20 No 9501.

(3) A portion of land of an original extent of 5A38 but in reality of an extent of 5A50 situate at Phoenix in the District of Plaines Wilhems which belonged to Her Majesty’s Principal Secretary of State for the War Department as evidenced by title deed transcribed in Vol 230 No 141 and subsequently transferred to the Secretary of State for Defence in virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom and more fully described in a Memorandum of Survey drawn up by Mr Max Derblay, Surveyor, Ministry of Housing, Lands and Town and Country Planning and closed on 31 December 1968 and registered in Reg LS 20 No 9501.
(4) A portion of land of an original extent of 29A69 but in reality of an extent of 29A66 situate at Phoenix in the District of Plains Wilhems which belonged to the War Department as evidenced by title deed transcribed in Vol 252 No 355 and subsequently transferred to the Secretary of State for Defence in virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom and more fully described in a Memorandum of Survey drawn up by Mr Carol Lecordier, Surveyor, Ministry of Housing, Lands and Town and Country Planning and closed on 20 December 1968 and registered in Reg LS 20 No 9492.

(5) A portion of land of an extent of 134A71 made up of part of a portion of land of an extent of about 166A15 donated by Her Majesty's Principal Secretary of State for the War Department in the United Kingdom to the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland as evidenced by title deed transcribed in Vol 846 No 98, and of part of a portion of 68A49 being all that remains of a portion of 239A50 purchased by Her Majesty's Principal Secretary of State for the War Department in the United Kingdom as evidenced by a title deed transcribed in Vol 230 No 141.

The 2 portions of 166A15 and 68A49 were subsequently transferred to the Ministry of Defence by virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom and the said portion of 134A71 is more fully described in a Memorandum of Survey drawn up by Mr Max Derblay, Surveyor, Ministry of Housing, Lands and Town and Country Planning on 21 January 1969 and closed on 26 May 1969 and registered in Reg LS 20 No 9748.

(6) 197 portions of land listed in the Appendix to this Schedule forming part of Plaisance Airport Grounds in the District of Grand Port place called Plaisance acquired by the former Colonial Government of Mauritius for and on behalf of the Admiralty of the United Kingdom, the ownership of which was subsequently transferred to the Secretary of State for Defence in virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom. The 197 portions of land are included in a block of land of an extent of 1042A64 more fully described in a Memorandum of Survey drawn up by M L A Roblet, Divisional Surveyor, Ministry of Housing, Lands and Town and Country Planning on 14 February 1969 and closed on 10 March 1969 and registered in Reg LS 20 No 9665.

(7) A portion of land of an extent of 0A99 which belonged to the Admiralty as evidenced by a title deed transcribed in Vol 512 No 215 and subsequently transferred to the Secretary of State for Defence in virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act 1964 of the United Kingdom and more fully described in a Memorandum of Survey drawn up by Mr P Savrimoutou then Assistant Surveyor PWD and closed on 26 September 1946, and registered in Reg LS 17 No 8298.

AAPPENDIX
(paragraph 6 of the Schedule)

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