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Crown Lands (Temporary Occupation) Act, 1964

Act 22 of 1964

Legislation as at 1 December 1998

FRBR URI: /akn/sz/act/1964/22/eng@1998-12-01

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PDF created on 21 February 2024 at 18:00.

Collection last checked for updates: 1 December 1998.

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Crown Lands (Temporary Occupation) Act, 1964
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Crown Lands (Temporary Occupation) Act, 1964

Act 22 of 1964

Commenced on 24 April 1964

[This is the version of this document at 1 December 1998.]

An Act to make provision for the granting of permits for the temporary occupation of certain Crown lands, and to prevent the unauthorised occupation of, or other encroachment on, Crown lands, and to provide for incidental or connected matters.

1. Short title

This Act may be cited as the Crown Lands (Temporary Occupation) Act, 1964.

2. Interpretation

In this Act, unless inconsistent with the context—

“**appropriate officer**” means District Commissioner of the District in which the Crown land is situate;

“**Crown lands**” means—

- (a) “**Crown lands**” as defined in the Crown Lands Disposal Act, [No. 13 of 1911](#); and
- (b) land proclaimed to be Crown land and dealt with by the Mbabane Township Act (Cap. 75) (not reprinted);

“**district**” means area defined in accordance with section 6 of the General Administration Act, [No. 13 of 1905](#);

“**land surveyor**” has the same meaning as in the Land Survey Act, [No. 46 of 1961](#);

“**Minister**” means the Minister for Local Administration;

“**permit**” means permit issued under [section 3](#).

3. Permission for temporary occupation of Crown land

- (1) The appropriate officer may, on payment of the prescribed fee, in compliance with such general or specific directions as the Minister shall give him, grant and cause to be issued on behalf of the Minister a written permit, in accordance with this section, to a person to occupy such portion of Crown land in the district as shall be described in the permit.
- (2) The period for which the occupation shall be permitted shall be specified in the permit, but not exceed one year.
- (3) At the expiry of such period, the appropriate officer may, on payment of the prescribed fee, renew the permit for further periods not exceeding one year at a time.
- (4) A permit shall be in the prescribed form, duly completed, and subject to the conditions contained in such form, and to such further conditions as the appropriate officer may endorse on the permit.
- (5) The holder of a permit may with the permission of the appropriate officer, erect, on the land described in the permit, temporary houses or huts or other temporary erections, plant crops, and pasture livestock:

Provided that any house, hut or other temporary erection shall be erected and maintained to the satisfaction of the appropriate officer or other person or body administering the area in which the land is situate.

- (6) The benefit of a permit shall not be transferred without the consent of the appropriate officer, which he may in his discretion refuse, and any transfer and the consent thereto shall be endorsed on the permit.
- (7) The holder of a permit may remove any house, hut or temporary erection or crops lawfully erected or planted during the term of the permit, but no person shall be entitled to any compensation if the Minister lawfully re-enters the land or on the expiry or non-renewal of a permit.
- (8) A permit shall be deemed to permit the family, dependants, and servants of the holder of the permit to occupy the land described in the permit and to do all such acts as the holder of the permit is permitted to do by virtue of the permit.

4. Revocation of permits and termination of occupancy

- (1) If there is a breach of a condition of a permit, the appropriate officer may on behalf of the Minister give notice in the prescribed form to the holder thereof of the revocation of the permit, and the permit shall be deemed to have been revoked on the date of service of the notice.
- (2) If a person has been issued with a permit and the permit has expired, or been revoked under subsection (1), the appropriate officer may by notice in the prescribed form require the person to terminate within the prescribed period, his occupation of the land in respect of which the permit was issued.

5. Restriction on removal of permit holders

No person who has been issued with a permit shall be required to terminate his occupation of the land in respect of which the permit was issued or shall be removed from the land before the expiration of the period prescribed in the notice given to him under [section 4](#).

6. Offence of unlawful occupation of, or other encroachment on, Crown land

- (1) Any person shall be guilty of an offence and liable on conviction, to a fine not exceeding one hundred emalangeni or imprisonment for a period not exceeding six months, who, without lawful authority or lawful excuse—
 - (a) resides or erects a hut or other building on Crown land or clears, encloses or cultivates or otherwise occupies Crown land or a part thereof; or
 - (b) pastures any kind of livestock on Crown land; or
 - (c) by a building or any other erection, or by enclosure, planting or otherwise, encroaches on a public street, road or highway; or
 - (d) cuts, digs or takes from Crown land live or dead timber or other vegetable product or beeswax, guano, gravel, stone, sand, loam, brick-earth or other mineral or produce; or
 - (e) strips bark from a tree on Crown land; or
 - (f) dumps on Crown land any refuse, rubble, disused motor vehicle or any other material.
- (2) In any prosecution under subsection (1), a certificate under the hand of either the appropriate officer, or a land surveyor, that, to the best of his information and belief, the land in question is Crown land shall be proof of such fact unless the contrary is proved.

7. Powers of court to make orders

- (1) A court convicting any person of an offence under [section 6\(1\)](#) may, in addition to imposing the penalty, if it thinks fit—
 - (a) issue a warrant addressed to a member of the Royal Swaziland Police Force requiring him forthwith, or subject to such conditions as the court may in its discretion impose—
 - (i) to enter upon the Crown land;
 - (ii) to dispossess and remove from the land the person convicted together with the family, dependants and servants of that person; and
 - (iii) to take possession of the land on behalf of the Government together with all crops growing thereon and all buildings and immovable property upon and affixed thereto:

Provided that no order shall be made under sub-paragraph (iii) hereof if the court is satisfied that some person other than the person convicted and other than his family, dependants and servants is in lawful occupation of the land;
 - (b) order the person convicted to remove any livestock forthwith from the land in question;
 - (c) order the person convicted to pay as compensation under section 321 of the Criminal Procedure and Evidence Act, [No. 67 of 1938](#) the value of any timber or other property cut down, destroyed or damaged on the land in question;
 - (d) order the person convicted to remove forthwith anything dumped on the land in question; and
 - (e) order the person convicted to pay as costs under section 321 of the Criminal Procedure and Evidence Act, [No. 67 of 1938](#) the expense of any survey necessary for proving the unlawful occupation.
- (2) Without prejudice to any liability which the person convicted may incur for disobedience of any order made under subsection (1)(b) or (d), the court convicting him may further order that if he fails to comply with any such order the livestock or thing shall be removed by officers of the Government, and that he shall pay the costs of the removal.
- (3) A certificate under the hand of either the chief professional officer of the Ministry of Works, Power, and Communications or an officer of the Ministry of Agriculture not below the rank of Agriculture Officer, shall be proof, unless the contrary is proved, of the value of any timber or other property, or of the expense of any survey for the purposes of subsection (1)(c) and (e).

8. Regulations

The Minister may make regulations for giving effect generally to the purposes of this Act and without prejudice to the generality of the foregoing, the regulations may prescribe—

- (a) the manner in which notices required to be served under this Act shall be served; and
- (b) anything which, under this Act, requires to be prescribed.

9. Exemption

The Minister may, in his discretion, by notice in the *Gazette*, exempt from the operation of any provision of this Act such Crown lands as he may specify and for such period as he may specify.