

STATUTES RELATING TO LAND LAW IN SIERRA LEONE

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In Her Majesty's name I assent to this Ordinance this 31st day of December, 1960.

MAURICE H. DORMAN,
Governor.

LS

No. 19



1960

Sierra Leone

**An Ordinance to make Further and Better Provision for the
Management and Disposal of Crown Lands**

**Being an Act to provide for the criminalization of money
laundering and financing of terrorism, the establishment of
structures to implement this and for other related matters.**

(5th January, 1961) Date of com-
mencement.

BE IT ENACTED by the Legislature of Sierra Leone, as follows:—

PART 1—PRELIMINARY

Short title and application. **1.** This Ordinance may be cited as the Crown Lands Ordinance, 1960 and shall apply to the Colony only.

Interpretation. **2.** In this Ordinance, unless the context otherwise requires –

“**agricultural lease**” means a lease for the purposes of agriculture or for the raising and breeding of cattle, or for the growing and cultivation of any economic product or crop, or for a timber forest:

“**building lease**” means a lease for building purposes or for purposes connected therewith:

“**crown lands**” means all lands which belong to the Crown by virtue of any treaty, cession, convention or agreement, and all lands which have been or may hereafter be acquired by or on behalf of the Crown, for any public purpose or otherwise however and land acquired under the provisions of the Public Lands Ordinance and includes all shores, beaches, lagoons, creeks, river estuaries and other places and waters whatsoever belonging to, acquired by, or which may be lawfully disposed of by or on behalf of the Crown:

Cap. 193.

“**Director of Surveys and Lands**” includes the Assistant Director of Surveys and Lands.

“**grant**” means–

(a) any grant for an estate in fee simple:

(b) any lease:

(c) any licence or other document authorising the grantee, his heirs and assigns or any of them to hold and occupy any Crown lands:

(d) any license or other document conferring any right to cut, gather, take and carry away timber, fibre or other natural product within any Crown lands therein specified:

(e) any licence or other document conferring any right to search for, work and carry away any minerals, gravel or other materials within any Crown lands therein specified:

(f) any licence or other document conferring any right to make use of any beach, bank, foreshore or ground adjoining the shore or bank of any sea, creek or river:

(g) generally, any grant, licence or right whatsoever relating to any Crown lands which may lawfully be made, given granted, assigned or otherwise disposed of by or on behalf of the Crown:

“**Lease**” means the grant of the possession of land by or on behalf of the Crown as lessor for a term of years or other fixed period with a reservation of rent:

No. 8 of 1958.

“**Mineral Oil**” has the same meaning as in the Mining (Mineral Oil) Ordinance, 1958:

Cap. 144.

“**Minerals**” has the same meaning as in the minerals Ordinances;

“**Minister**” means the Minister for the time being charge with the responsibility for lands;

“public purposes” means and includes—

- (a) for exclusive Government use or for general public use;
- (b) for or in connection with sanitary improvements of any kind, including reclamations;
- (c) for or in connection with the laying out of any new Government station or the extension or improvement of any existing Government station;
- (d) for obtaining control over land contiguous to any port or airport;
- (e) for obtaining control over land required for defence purposes;
- (f) for obtaining control over land required for civil aviation purposes; and
- (g) for obtaining control over land the value of which will be enhanced by the construction of any railway, road, or other public work or convenience about to be undertaken or provided by the Government.

PART II—GRANTS

Sale of Crown lands restricted.

3. Except with the consent of the Governor first had and obtained or except as may be otherwise provided in any law, no Crown lands shall be sold or otherwise disposed of for an estate in fee simple.

4. Subject to the provisions of section 3 of this Ordinance, the Governor on behalf of the Crown may make grants of Crown lands in such manner and subject to such conditions as may be required and as they may deem proper. Who may make grants.

5. Every grant shall be executed by the Minister or a public officer authorized by him in that he be expressed to be made in conformity with the provisions of this Ordinance. Style of grants.

6. Every grant of any Crown lands executed in accordance with the provisions of section 5 of this Ordinance shall be deemed to be valid and effectual for the purpose of conferring and assuring any right, proprietary or possessory or as the case may be, thereby expressed or intended to be conferred. Validity of grants.

7. (1) A grant under this Ordinance shall not, unless express provision to the contrary is contained therein, confer any right to— Reservations.

- (a) the water of any spring, river, lake or stream other than such water as may be required for domestic purposes upon the land which is the subject of the grant;
- (b) the foreshore or to the banks of any navigable water-way; or
- (c) any mineral or to any mineral oil.

(2) There is hereby reserved to the Crown the right to enter upon any land which is the subject of any grant under this Ordinance, and—

- (a) to search for, mine and remove any mineral or mineral oil; and

- (b) except in the case of land leased for building purposes only, to remove any stone, gravel, soil or other substances required for the construction or repair of any road, Government building or other public work.

(3) The rights reserved under subsection (2) of this section may be exercised by any person authorized by the grantor in that behalf.

Payment for agreed sums of grant.

8. (1) Where an agreement has been entered into for the making of any grant under this Ordinance in consideration of the payment of an agreed sum of money and a portion only of such sum has been paid, the land shall vest in the grantee, but the Crown shall have a lien on the land for the balance of the agreed sum remaining unpaid.

(2) If the balance of such agreed sum is not paid within six months of the date of the agreement, or within such other period as may be specified in the agreement, the land shall revert to the Crown and all money paid by the grantee shall be forfeited.

(3) No grantee shall be entitled to a conveyance, lease or other formal instrument conferring the grant until the whole of the agreed sum has been paid.

Land to be surveyed before grant made.

9. No Crown land shall be granted in any manner whatsoever under this Ordinance until it has been surveyed and demarcated by a Government or licensed surveyor and the plan thereof has been approved and signed by the Director of Surveys and Lands or by an officer of his department acting on his behalf.

Implied covenants by grantor.

10. In every grant under this Ordinance, there shall by virtue of this Ordinance be implied covenants by the grantor—

- (a) that he has full power to make such grant; and

- (b) that the grantee, fulfilling the covenant and conditions contained in such grant or implied by virtue of this Ordinance, shall quietly hold and enjoy the premises without any interruption by the grantor or any person claiming under him, except so far as the laws for the time being in force in Sierra Leone may permit.

11. In every grant under this Ordinance, there shall by virtue of this Ordinance be implied covenants by the grantee— Implied covenants by grantee.

- (a) that he will pay the rent or royalties (if any) thereby reserved at the times and in the manner therein provided;

- (b) that he will pay all taxes, rates, charges, duties and other outgoings of whatever description as are or may be imposed, charged or assessed upon the land and upon any buildings which are or may be erected thereon; and

- (c) that he will allow the grantor or any person acting under his direction or by virtue of his duty as an officer of the Government, with or without workmen, at all reasonable times to enter into and upon the premises and examine the state and condition thereof.

12. In every grant under his Ordinance there shall by virtue of this Ordinance be implied, unless such covenant are therein expressly varied or excepted, covenants by the grantee— Idem.

- (a) that he will not sub-divide, convey, assign, or otherwise alienate the premises or any part thereof by sale, mortgage, transfer of possession, lease or sub-lease without the consent of the grantor in writing first had and obtained;
- (b) that he will cause all conveyances, and assignments of the premises or any part thereof to be registered in the office of the Registrar-General within one hundred and twenty days of the date thereof;
- (c) that he not at any time carry on or commit or cause or permit to be carried on or committed any noisy, offensive or dangerous trade or nuisance;
- (d) that he will not fell, cut down or in any other way injure or destroy any mature trees standing or growing on the premises without the consent of the grantor in writing first had and obtained;
- (e) that he will at all times fully comply with the provisions and requirements of all such regulations and rules relating to the erection and construction of buildings as are applicable to the premises, or as may otherwise be required.

Implied covenants by lessee in building lease.

13. In every building lease granted under this Ordinance, there shall by virtue of this Ordinance be implied, unless such covenants are therein expressly varied or excepted, covenants by the grantee –

- (a) that he will erect the building specified in the lease in the manner and within the period of time therein provided;

- (b) that he will provide drainage and water supply in full compliance with all such regulations and rules relating to the provision of drainage and water supply as are applicable to the premises, or as may otherwise be required;
- (c) that he will maintain the buildings erected on the premises in good and substantial repair.

14. In every agricultural lease under this Ordinance, there shall by virtue of this Ordinance be implied by the lessee a covenant that he will improve and develop the natural resources of the land in a prudent and businesslike manner and will abstain from the undue destruction or exhaustion of any timber, trees or Plants for the sale or cultivation of which the land is leased.

Implied covenant by Lesees in Agricultural Leases.

15. (1) Every covenant, whether expressed or implied, contained in any grant under this Ordinance, shall, unless an express provision to the contrary is contained in the grant, be binding upon all persons claiming an interest in the land which is the subject of such grant, and whose title is derived through or under the grantee.

Covenants binding on persons deriving title from grantee

(2) Any minor who becomes a grantee under this Ordinance shall be in the same position with regard to his liability and obligation under or in respect of his grant as if he were of full age.

16. (1) The owner or lessee of any Crown land sold, granted or leased before or after the coming into operation of this Ordinance shall at all times maintain in repair to the satisfaction of the Director of Surveys and lands or of such other officer as the Minister may appoint in this behalf all boundary marks or pillars placed or erected to denote the boundaries of the land in question.

Boundary marks.

(2) Every owner or occupier of land abutting on Crown land shall define and keep defined the boundary between the land owned or occupied by him and the adjoining Crown land to the satisfaction of the Director of Surveys and Lands or of such other officer as the Minister may appoint in this behalf, and in default of his so doing the Director of Surveys and Lands or other officer as aforesaid may by notice in writing require such owner or occupier to define such boundary in such manner and within such time as shall be specified in such notice.

(3) Any owner or occupier who fails to comply with the requirements of a notice served upon him in accordance with the provisions of subsection (2) of this section shall be guilty of an offence against this Ordinance, and shall on summary conviction be liable to a fine not exceeding one hundred pounds and in addition to or in lieu of such fine the court shall order him to pay the expenses incurred (if any) by the Government in defining the boundary which he has neglected to define.

Power to erect telegraph poles.

17. Any person authorised by the grantor may at any time enter upon any land which is the subject of a grant under this Ordinance or under any Ordinance repealed by this Ordinance and may –

- (a) set up poles on and carry electric lines across such land and;
- (b) lay sewers, drains, water pipes or electric lines therein without paying compensation but making good any damage done.

Saving of public thoroughfares.

18. All public thoroughfares existing on any land granted under this Ordinance shall be deemed to be and shall be reserved and shall remain free and uninterrupted unless the same be closed or altered by the order of the Minister or by any other competent authority.

19. (1) When any land sold or leased under this Ordinance exceed two hundred acres the grantor may at any time enter and resume any portion of such lands for roads, railways, canals, water, channels or trigonometrical stations or any other public undertaking without paying compensation for the land, but compensation shall be paid for buildings or crops destroyed or damaged. Resumption of lands for roads, railways, etc

Provided that in the event of a larger portion than four per centum of such land being resumed for any such purpose as aforesaid there shall be paid to the owner or lessee, as the case may be, compensation for the land taken in excess of such portion

(2) When any land sold or leased under this Ordinance does not exceed two hundred acres the grantor may at any time enter and resume any portion of such lands for any of the purposes mentioned in subsection (1), paying compensation for the land taken.

(3) Whenever land which has been leased is resumed under this section the lessee shall be entitled to a proportionate reduction in his rent.

(4) The grantor may appoint any officers of the Government, their servants and agents, to exercise the powers reserved to him by this section.

(5) Compensation payable under this section shall not exceed, in the case of buildings or crops, the market value of such buildings or crops, and in the case of land resumed the market value of such land.

(6) The compensation to be awarded under this section shall, if not agreed upon between the grantor and the claimant, be determined by the Supreme Court in the like manner as compensation is determined under the Public Lands Ordinance. Cap. 193.

(7) Resumption of land under this section may be effected before the compensation (if any) is paid, either by actual entry on the land resumed, or by service of notice of resumption on the owner or lessee.

Revision of
rent.

20. (1) In every lease granted under this Ordinance, unless express provision to the contrary is contained therein, there shall by virtue of this Ordinance be reserved to the grantor the right to revise and fix the rent for such periods (hereinafter referred to as revision periods) as may be specified in the lease, or, in the absence of such specification, for periods of seven years.

(2) As nearly as may conveniently be to the date of commencement of each revision period, the grantor shall revise and fix yearly rent which shall be payable during such revision period.

Provided that if for any reason the grantor considers it desirable to postpone the revision of the rent reserved under any lease, the grantor may postpone such revision for such time, irrespective of any revision period, as he shall think fit; but should the right to revise be subsequently exercised the rent then fixed shall be payable for the remainder of the current revision period.

(3) In revising the rent, the grantor shall have regard to the rent obtainable at the time of revision for similar land of similar area and amenities similarly situated, and to all the circumstances of the case, but shall not take into account any increase in the value of the land due to improvements made on the land by the lessee.

(4) The amount at which the revised rent has been fixed by the grantor shall be notified to the lessee.

(5) If the grantor and the lessee are unable to agree as to the revised rent to be paid, the matter shall be referred to an arbitrator to be agreed upon by the grantor and the lessee, or, in the absence of such agreement, by the Chief Justice.

(6) The decision of the arbitrator shall be final and binding on both parties, and unless the revised rent fixed by the arbitrator is less than that originally demanded by the grantor the lessee shall pay any costs incidental to the arbitration.

21. (1) When in any lease under this Ordinance the lessee has covenanted to develop or effect improvements on the land leased and has committed a breach of such covenant the grantor may at the time of such breach or at any time thereafter, and at the expiration of every year thereafter so long as the breach be not remedied, fix a penal rent which shall be payable for one addition to and at the same time and manner as the rent reserved is payable and shall be recoverable as rent. The first penal rent shall not exceed the rent reserved in the lease and penal rents subsequently fixed shall not exceed double the penal rent payable in respect of the preceding year. Penal rent.

(2) Notice of such penal rent being imposed and the amount thereof and the date from which it is payable shall be given in writing to the lessee.

(3) The fact that a penal rent has been imposed shall not preclude the grantor, in lieu of fixing a subsequent penal rent, from taking or directing to be taken proceedings for the forfeiture of the lease by reason of the breach in relation to which the penal rent has been imposed, provided that such proceedings shall not be taken during the period for which a penal rent has been paid.

22. The rent reserved or payable under any lease granted under this Ordinance shall be a debt to the Crown and shall be paid at the office of the Director of Surveys and Lands or at such other office as the grantor may appoint. Rent.

23. The grantor or any person appointed by the grantor in that behalf may, without prejudice to the right of the Crown to recover rent in arrear in any other way, sue for the same, together with the penalty (if any) which may be payable under the last preceding section, and such suit may be instituted in the Supreme Court or in a Magistrate's court. Grantor may
sue for rents
in arrear.

Grantor may
distrain for
rent due.

24. The grantor may, on behalf of Her Majesty, distrain for rent due under any lease under this Ordinance, or under any Ordinance repealed by this Ordinance, and may authorize any person to act for him in this behalf.

General
powers of
grantor.

25. (1) The grantor may accept on such terms and conditions as he may think proper the surrender of any lease or licences granted under this Ordinance.

(2) The grantor may wholly or partially rent, except as otherwise prescribed, all or any of the covenants or conditions contained in any lease or licence granted under this Ordinance in any case where, owing to special circumstances, compliance therewith would be impossible or would cause great hardship to the grantee.

(3) The grantor may extend, except as otherwise prescribed, the time to the lessee for performing the covenants or conditions contained in any lease or licence liable to forfeiture for such period, and upon such terms and conditions as he may think fit, and the period so extended and the terms and conditions so imposed shall be deemed to be inserted in the lease and shall be binding upon the lessee.

Sale of lease
by a Court to
be approved
by the
grantor.

26. No lease under this Ordinance or under any Ordinance repealed by this Ordinance which contains a covenant, whether express or implied, the lessee not to assign without the consent of the grantor shall be sold by or under the orders of any Court in execution of a decree or otherwise howsoever, except to a purchaser approved by the grantor.

PART III—REMEDIES OF CROWN

Power of re-
entry on
breach of
covenant.

27. (1) If there shall be any breach or non-observance by the grantee or by any person deriving any interest in the premises through or under the grantee of any of the covenants or conditions whether express or implied contained in any grant under this Ordinance, the grantor may at any time after such breach or non-observance re-enter into and upon the premises or any part thereof in the name of the whole, and have again, repossess, hold and enjoy the same as in his former estate:

Provided that the power of re-entry authorised by this subsection shall not be exercisable in respect of the breach or non-observance of any covenant or condition express or implied which is capable of immediate remedy (other than a covenant for payment of rent or a covenant against assigning or sub-letting) unless and until the grantor shall have caused to be served upon the lessee a notice specifying the particular breach or non-observance of which complaint is made and requiring the lessee to remedy such breach or non-observance, and, at the discretion of the grantor, to make reasonable compensation in money therefore, and the lessee has failed to remedy such breach or non-observance and to pay such compensation as aforesaid to the grantor. Such notice shall—

- (a) be served personally upon the lessee; or
- (b) be sent to him by registered post to his last known address; or
- (c) be published in the *Gazette* and a copy thereof be affixed to the premises.

(2) Any right of action or other remedy of the grantor in respect of any breach or non-observance by the grantee or by any person deriving any interest in the premises through or under the grantee of any of the covenants or conditions, whether express or implied, contained in any grant under this Ordinance shall not be prejudiced by the exercise of the power of re-entry conferred upon the grantor by sub-section (1) of this section.

(3) The acceptance by or on behalf of the grantor of any rent shall not operate as a waiver by the grantor of any forfeiture accruing by reason of the breach or non-observance of any covenants or conditions, whether express or implied, contained in any grant under this Ordinance.

Unoccupied lands.

28. (1) Where any land granted under this Ordinance appears to the grantor to have been unoccupied for a period exceeding twelve months, he may cause notice in writing to be given to the grantee that, if within the six months next following the date of such notice the grantee does not appear and afford proof that he intends to use and develop the land to a reasonable extent within a reasonable time, the land shall revert to the Crown, and all money paid in consideration of the grant of such land shall be forfeited.

(2) Such notice shall be published in the *Gazette*, and a copy thereof shall be affixed to the land, and, if the address of the grantee is known, a copy shall be sent by registered post to such address.

(3) If the grantee does not appear within the six months next following the date of the publication of such notice in the *Gazette*, or, if having appeared, he fails to afford reasonable proof that he intends to use and develop the land within a reasonable time, the grantor may by notice in the *Gazette* declare the land to be forfeited, and the land shall thereupon revert to the Crown.

Debt to Crown not extinguished by forfeiture.

29. No forfeiture shall operate to extinguish any debt to the Crown in respect of any rent payment to be made by a lessee under a lease forfeited.

Recovery of Crown lands in unlawful occupation.

30. (1) Without prejudice to any remedy which the grantor may have under any other law, where any person without right, title or licence or whose right, title or licence has expired or been forfeited or cancelled, is in occupation of Crown land, the Attorney-General or some person appointed by him in that behalf or the Director of Surveys and lands, may enter a suit in the Supreme Court or in a Magistrate's Court to recover possession thereof.

(2) If upon the hearing of such suit the defendant does not appear, or appears but fails to establish an absolute right to the possession of the land, the Court shall order that the possession of

the land sought to be recovered shall be given by the defendant to the plaintiff on behalf of the Crown, either forthwith or on or before such day as the Court shall think fit to appoint, and shall issue such process as may be necessary to carry such order into effect.

31. In any action, suit or proceedings against any person for or in respect of any alleged unlawful occupation use of, or trespass upon any Crown land, the proof that the occupation or use in question was authorized shall lie on the defendant, and in every such action, suit or proceedings and in every action by or against the Government in which title to land shall be in issue the averment that any land is Crown land shall be sufficient without proof of such fact, unless the defendant prove the contrary. Evidence in proceedings.

32. No action or other remedy by or on behalf of the Crown for the recovery of Crown land shall be barred or affected by any Statute, Ordinance or other law of limitation. Right of Crown to sue not to be barred by limitation.

33. No action or other remedy for the recovery of rent due under any lease granted under this Ordinance or under any Ordinance repealed by this Ordinance shall be barred or affected by any Statute, Ordinance or other law of limitation. Suit for rent not barred by limitation.

34. No right of way shall be presumed or allowed to be asserted or established against the Crown by reason only of user, whether such user commenced before or after the date of the coming into operation of this Ordinance. Right of way not to be presumed against the Crown.

35. A notice served personally on the person to be served, or left at or sent by registered post to his last known address in Sierra Leone, or if his address is not known, published in the *Gazette*, shall be deemed to be good service for the purposes of this Ordinance. Service of notice.

PART IV—PENALTIES

Setting fire to Crown lands.

36. Any person who shall set fire or cause the same to spread to any Crown land, unless such person is a lessee of, or holds a licence to occupy and use, the same or is acting under the lawful orders of such lessee or licensee, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds.

Lessee or licensee allowing fire to spread.

37. Any lessee of, or person who holds a licence to occupy and use, any Crown land who shall allow any fire to spread from the land so leased or occupied and used by him to any other land, whether such other land be Crown land or private property, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds.

Production of licence.

38. Any person who shall be found occupying or using any Crown land or cutting wood or felling and removing trees thereon and who shall, upon demand being made by any police officer or other person in uniform appointed for that purpose in writing by the Director of Surveys and Lands, refuse or fail after reasonable time given for that purpose, to produce and show his licence or other authority shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding ten pounds.

Power to arrest.

39. Every police officer or other person in uniform appointed for that purpose in writing by the Director of Surveys and Lands may arrest any person who is found Cutting any wood or thing or felling trees on or occupying or using any Crown land, unless such person holds a licence or other authority for that purpose under this Ordinance.

Punishment of persons cutting trees, on Crown lands.

40. Any person who cuts or takes any wood or thing from or off any Crown land without having a licence or other authority for that purpose granted under this Ordinance, or in breach of any condition of such a licence or authority, shall be guilty on of an offence, and liable, on summary conviction, to a fine not exceeding fifty pounds.

41. Any person who occupies or uses any Crown land, unless he holds a licence or other authority for that purpose granted under this Ordinance, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds; Punishment of persons trespassing on Crown lands.

Provided that no person shall be convicted under this section who proves to the satisfaction of the Court before whom he is brought that he, or those through whom he claims occupied the land under a *bona fide* claim of right. Claim of right.

PART V—MISCELLANEOUS

Rules.

42. The Minister may make Rules for all or any of the following purposes—

- (a) classifying leases according to the purpose for which or the class of persons to whom they may be granted and prescribing the form of any lease;
- (b) prescribing the term of years for which any class of lease may be granted;
- (c) prescribing the praemia and rents to be paid and providing for the revision of rent;
- (d) prescribing the manner in which application for leases shall be made and the fees to be paid;
- (e) providing for the survey and demarcation of Crown lands to be sold or leased, and fees to be paid for such survey and demarcation;
- (f) prescribing the fees to be paid for any instrument issued under this Ordinance;

- (g) prescribing the period for which and the conditions under which licences for the temporary occupation of Crown land may be issued;
- (h) providing for the care, management and protection of unoccupied Crown land; and
- (i) generally for carrying out and giving effect to the purposes of this Ordinance.

Validation of existing grants **43.** No grant of Crown land made before the commencement of this Ordinance shall be deemed to be invalid because it has been made or executed or both made and executed by the Minister or by the Director of Surveys and Lands or because, if it has been so made or executed, it has not been made under the Public Seal.

Repeal Cap. 53 **44.** (1) The Crown Lands Conservancy Ordinance is hereby repealed without prejudice to anything done or suffered there – under or to any right, privilege, obligation or liability acquired or incurred thereunder.

Cap. 200. (2) The Registration of Instruments Ordinance is hereby amended by the deletion of the definition of “Crown Grant” which appears in section 2 thereof, and by the substitution therefore of the following definition –

“Crown Grant” means a grant of land made by the Governor by the Minister for the time being charged with the responsibility for lands, or by a public officer deputed by the Minister on behalf of the Crown.”

Passed in the House of Representatives this *24th day of November*, in the year of our Lord one thousand nine hundred and sixty.

S. V. WRIGHT,
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correct copy of the said Bill.

S. V. WRIGHT,
Clerk of the House of Representatives.

M.P. SM/49