

**N.R.C.D. 240**  
**PUBLIC LANDS (PROTECTION) ACT, 1974**

ARRANGEMENT OF SECTIONS

1. Sale or attempted sale of public land.
2. Unlawful occupation of public land.
3. Removal of trespassers.
4. Act not a bar to other remedies.
5. Meaning of public land.
6. Obstruction of authorised persons.
7. Offences committed by a body of persons.
8. Recovery of expenses.
9. Interpretation.

---

**N.R.C.D. 240**  
**PUBLIC LANDS (PROTECTION) ACT, 1974(1)**

**AN ACT to provide for the protection of public lands and for related matters.**

**1. Sale or attempted sale of public land**

A trespasser who, without reasonable excuse, the proof of which lies on the trespasser, sells or purports to sell, leases or otherwise disposes of public land, or an interest in or a right over public land, commits an offence and is liable on summary conviction to a term of imprisonment not exceeding five years, or to a fine not exceeding one thousand penalty units, or to both the imprisonment and the fine.

**2. Unlawful occupation of public land**

A trespasser who, without reasonable excuse, the proof of which lies on the trespasser, occupies or encroaches on or interferes with a public land, commits an offence and is liable on summary conviction to a term of imprisonment not exceeding three years, or to a fine not exceeding seven hundred and fifty penalty units.

**3. Removal of trespassers**

(1) Where a trespasser has unlawfully occupied or encroached on or interfered with a public land, the appropriate authority or a duly authorised agent of that authority may, in writing, serve a notice on the trespasser, personally or by affixing the notice to a part of the land affected, requiring the trespasser to vacate the land within twenty-one days from the date of the notice.

(2) Where a trespasser refuses or fails to vacate the land within twenty-one days from the date of the notice referred to in subsection (1), the authority or a duly authorised agent of that authority may

- (a) remove the trespasser from the land;
- (b) confiscate or remove the goods of the trespasser from that land;
- (c) abate a nuisance or terminate an interference caused by the trespasser on the land;
- (d) confiscate, demolish or remove a structure or an obstacle on the land.

(3) The authority or its duly authorised agent may use reasonable force necessary for the purpose of carrying out a measure specified in subsection (2).

(4) A civil action shall not be brought against a person acting under this section in respect of an act done in good faith in the execution or intended execution of a provision of this section.

#### **4. Act not a bar to other remedies**

This Act does not constitute a bar to any other remedy which the appropriate authority may pursue under any other law.

#### **5. Meaning of public land**

(1) For the purposes of this Act, public land includes land vested in the Republic, the President on behalf of the Republic, the Government, an organ or agency of the Government, or a statutory corporation, whether the land is vested in trust or otherwise.

(2) Where in relation to proceedings under this Act, or in relation to an action taken or proposed to be taken under section 3, a doubt arises as to whether the land is public land within the meaning of this section, the Minister responsible for Lands may in writing certify that the land is public land, and the certificate is conclusive evidence that the land is public land for the purposes of this Act.

#### **6. Obstruction of authorised persons**

A person who

- (a) obstructs or insults a person acting in the exercise of power or discharging a duty under section 3,
- (b) refuses or fails to comply with a requirement made by a person in the exercise of a power or the discharge of a duty under section 3, or
- (c) gives to a person exercising a power or discharging a duty under this Act an information which is false in a material particular,

commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

#### **7. Offences committed by a body of persons**

(1) Where an offence under this Act is committed by a body of persons

- (a) in the case of body corporate, every director or officer of the body shall be deemed to have committed that offence; and
- (b) in the case of a partnership, every partner or officer of the body shall be deemed to have committed that offence.

(2) A person shall not be convicted of an offence under subsection (1) if it is proved that the offence

was committed without knowledge or connivance of, and that diligence was exercised by that person to prevent the commission of the offence having regard to the evidence.

## **8. Recovery of expenses**

This Act shall not prevent the appropriate authority from recovering from a trespasser the expenses reasonably incurred by it in taking action under section 3.

## **9. Interpretation**

In this Act, unless the context otherwise requires,

“**authority**” means an organ or agency of the Government or a statutory corporation in which land is vested, or an organ or agency of the Government which administers land vested in the Government or the President on behalf of the Republic;

“**trespasser**” means a person who unlawfully occupies or encroaches on or interferes with a public land.

---

## Endnotes

### 1 (Popup - Footnote)

1. The Act was issued as the Public Lands (Protection) Decree, 1974 ([N.R.C.D. 240](#)) made on the 29th January, 1974 and notified in the *Gazette* on 5th February, 1974.