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Acquisition of Property Act, 1961

Act 10 of 1961

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Acquisition of Property Act, 1961

Contents

1. Short title	1
2. Interpretation	1
3. Minister may acquire property	1
4. Preliminary investigations	2
5. Notice of intention to take property	2
6. Powers of persons under disability to sell and convey	2
7. Power to take possession	3
8. Service of notices	3
9. Disputes as to compensation and title	3
10. Settlement of disputes by board	3
11. Procedure at inquiry by Board of Assessment	4
12. Decision in absence of party	5
13. Report of government officers and sworn appraisers	5
14. Part of a house	5
15. Matters to be considered in determining compensation	5
16. Compensation for loss of rents and profits	6
17. Withdrawal by Minister	6
18. Costs	6
19. Postponement of payment of compensation	7
20. Filing for award and time for payment	7
21. Payment of compensation to Accountant-General	7
22. Conveyance of title	7
23. Persons in possession as owners	8
24. Minister exonerated upon payment	8
25. Effect of registration of conveyance	8
26. Proceedings where possession of property withheld	8
27. Penalty for hindering the taking of possession	8
28. Amount of proposed compensation to be stated in notice	8
29. Rules	9
30. Presumptions of ownership	9
31. Interest	9
32. Power of Minister to call for statements	9
33. Expenses of Board of Assessment	9
34. Repeal of Proclamation No. 5 of 1902	10

Schedule	10
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Acquisition of Property Act, 1961

Act 10 of 1961

Commenced on 3 March 1961

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

An Act to make provision authorising the acquisition of property for public and other purposes and for settling the amount of any compensation to be paid or any matter in difference.

1. Short title

This Act may be cited as the Acquisition of Property Act, 1961.

2. Interpretation

In this Act unless the context otherwise requires—

“**Board**” means a Board of assessment constituted in terms of [section 10](#);

“**judge in Chambers**” means the Chief Justice or any judge of the High Court sitting in Chambers;

“**Minister**” means the Minister responsible for Natural Resources;

“**public purposes**” means any of the following purposes—

- (a) for any Government or quasi-Government constructions or undertakings financed wholly or in part from public funds;
- (b) for or in connection with the construction or maintenance of Government hospitals or sanitary improvements of any kind, including reclamations;
- (c) for or in connection with the laying out of any new township, urban area, as provided for in any law, or village or the extension or improvement of any existing township, urban area or village;
- (d) for obtaining control over land contiguous to any railways or roads, or to other public works of convenience constructed or about to be undertaken by the Government;
- (e) for or in connection with the construction and maintenance of any aerodrome, landing ground or airstrip and for providing access thereto;
- (f) for the construction of any railway authorised by legislation or for the maintenance or working of any existing railway;
- (g) for any requirements of the Swaziland Electricity Board;

[Added P.8/1963]

“**real property**” and “**property**” mean any real right in immovable property in Swaziland other than a mortgage bond over immovable property, and include any lease of immovable property, any rights to the use of public water whether derived from the common law or from statute, any servitude, or the creation of any servitude, and any land granted or ceded to any corporation, company or person.

3. Minister may acquire property

- (1) The Minister may acquire any real property needed for public purposes, whether present or future, paying such consideration or compensation as may be agreed upon or determined under the provisions of this Act, and, in the case of immovable property, may acquire such property by freehold title or by leasehold for any terms of years as he may think proper.

- (2) The Minister may agree with the owner of any real property needed for public purposes for the purchase of such property, or such portion thereof as he thinks proper, for such consideration as may be agreed upon or determined under this Act, and may in like manner acquire leasehold title.

4. Preliminary investigations

- (1) If it appears to the Minister that real property in any locality is likely to be needed for any public purpose it shall be lawful for any person either generally or specially authorised by the Minister in this behalf and for his servants and workmen to do all or any of the following things—
 - (a) enter upon and survey and take levels of any property in such locality;
 - (b) dig or bore under the sub-soil;
 - (c) do all other acts necessary to ascertain whether the property is suitable for such purpose;
 - (d) clear, set out and mark the boundaries of the property proposed to be taken and the intended line of the work (if any) proposed to be done thereon:

Provided that no person shall enter any building or upon any enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice of his intention to do so.

- (2) If an entry is made under the powers conferred upon the Minister under subsection (1) and damage is done in consequence thereof, the Minister shall be liable to pay compensation therefor, and, if any dispute as to the amount of such compensation arises either the Minister or the person claiming such compensation may refer the matter to the Magistrate's Court of the First Class for the area where such damage has occurred.
- (3) Notwithstanding anything in the Court, a Magistrate's Court of the First Class may decide any question as to the amount of compensation referred to it under subsection (2) hereof.
- (4) An appeal shall lie to the High Court from the Magistrate's Court as though such decision was given by the Magistrate's Court in the exercise of its original jurisdiction.

5. Notice of intention to take property

- (1) If the Minister is satisfied that any property is needed for a public purpose he shall give notice to the persons interested or claiming to be interested in such property, or to the persons entitled by this Act, to sell and convey or lease the same, or to such of them as shall after reasonable inquiry be known to him (which notice shall be in Form A in the Schedule hereto or to the like effect).
- (2) Every such notice shall state the particulars of the property needed and that the Minister is willing to treat for the purchase or lease thereof and as to the compensation to be made to all parties entitled thereto.

6. Powers of persons under disability to sell and convey

- (1) Any person who is the registered owner of any property or entitled to any real rights or any estate or interest therein may sell and convey or lease it to the Minister; and particularly it shall be lawful for all or any of the following persons to sell and convey or lease that is to say, fiduciary heirs, *fideicommissary* heirs, guardians, tutors testamentary or dative, curators nominate or dative, curators appointed to lunatics, idiots or prodigals, trustees under antenuptial contracts or for charitable or other purposes, executors and administrators and trustees in insolvent estates.
- (2) The power so to sell and convey or lease as set out in subsection (1) may lawfully be exercised by such persons not only on behalf of themselves, but also for and on behalf of every person entitled in reversion or remainder after them, and as to such tutors or curators or trustees on behalf of their *cestui que* trust respectively to the same extent as such wards or *cestui que* trust could have exercised the same powers under this Act if they had respectively been of no disability.

7. Power to take possession

- (1) The Minister may, by such notice as is prescribed in [section 5](#) or by any subsequent notice, direct the persons aforesaid to yield up possession of such property after the expiry of the period specified in the notice which period shall, unless the property is urgently required for the public purpose, be not less than two months from the service of such notice.
- (2) At the expiry of such period the Minister and all persons authorised by him may enter into and take possession of such property accordingly.

8. Service of notices

- (1) Every notice under sections [5](#), [7](#) and [10](#)(7) shall either be served personally on the persons to be served or left at their last usual place of abode or business, if any such place can after reasonable inquiry be found, and in case any such persons are absent from Swaziland or if such persons or their last usual place of abode or business after reasonable inquiry cannot be found, the notice shall be left with the occupier of the property or his agent, or if there is no such occupier or agent, shall be affixed upon some conspicuous part of the property.
- (2) If any such person is a corporation, company or firm, such notice shall be left at the principal office of the corporation, company or firm in Swaziland or if no such office can after reasonable inquiry be found, shall be served upon any officer or agent of the corporation, company or firm in Swaziland, or if there is no such officer or agent, or such officer or agent cannot after reasonable inquiry be found, shall be affixed upon some conspicuous part of the property.
- (3) Any notice issued under [section 10](#)(7) by any person claiming compensation or any title or interest in any property named in any notice under [section 5](#) shall be served on the Minister.
- (4) All notices served under this Act shall be inserted once at least in the *Gazette* and in a newspaper circulating in Swaziland.

9. Disputes as to compensation and title

If for three months after the service and publication as aforesaid of such notice no claim is lodged with the Minister in respect of such property, or if the persons who may have lodged any claim and the Minister do not agree as to the amount of the compensation to be paid for the estate or interest in the property belonging to such person, or which he is by this Act enabled to sell and convey or lease, or if such person has not given satisfactory evidence in support of his claim or if separate and conflicting claims are made in respect of the same property, the amount of compensation due, if any, and every such case of disputed interest or title shall be settled as provided for in this Act.

10. Settlement of disputes by board

- (1) In the event of there being no agreement as to the amount of compensation to be paid by the Government under [section 9](#) or in the event of there being a dispute as to whether a claimant for compensation has a valid claim to compensation, the amount of such compensation or such dispute shall be determined by a Board of Assessment, which shall consist of a person nominated by the Government, a person nominated by the claimant and an umpire appointed prior to the commencement of the proceedings of the Board as provided for in subsection (2).

[Amended K.O-I-C. 1/1974]

- (2) The umpire referred to in subsection (1) shall be appointed by the nominees of the Government and of the claimant respectively, but in the event of their not agreeing as to the person to be appointed as umpire, the King shall appoint a person to act as such umpire.

[Amended K.O-I-C. 1/1974]

- (3) If the Minister is satisfied that any person claiming compensation or a right to compensation has refused to exercise his right to nominate a person as provided for in subsection (1) or has unreasonably delayed such appointment, the Minister may after having given seven days' notice of his intention so to do appoint a person to be such claimant's nominee for the purpose of the section.

[Amended K.O-I-C. 1/1974]

- (4) The umpire shall be chairman of the Board and shall be present throughout the proceedings of the Board, but shall only be called upon to give a decision as to the amount of compensation to be paid to a claimant or as to the validity of his claim if the persons nominated under subsection (1) are unable to agree thereon, and the umpire's decision thereon shall be final and binding on the Government and the claimant.

[Amended K.O-I-C. 1/1974]

- (5) If in any case the Minister is satisfied that any person claiming compensation or interest or title has refused to exercise his right to nominate a member, or has unreasonably delayed such nomination, he may by order in writing direct the Chairman of the Board to proceed with an inquiry notwithstanding that there has been no such nomination, and in every such case the Board shall be deemed to be lawfully constituted by the Chairman and the member appointed by the Minister and (if that be the case) any member or members nominated in terms of subsection (2).
- (6) If for any reason the number of members constituting a Board is even in number the Chairman, in addition to his deliberative vote, shall have a casting vote.
- (7) Proceedings before a Board shall be initiated by a notice issued by the Minister or any person making claim to compensation or claim to any title or interest in any property named in any notice under [section 5](#); and such notice shall be as in Form B in the Schedule hereto or to the like effect.

11. Procedure at inquiry by Board of Assessment

- (1) The Board shall hear any persons, by themselves or their counsel, attorney or representative, who claim to own, or to have any title or interest in the property which is to be acquired or leased, and may by subpoena require the attendance of any person as a witness, and the production of any documents.
- (2) If it appears to the Attorney-General that the interests of any minor, any person under a disability other than insolvency or any unborn heir may be affected by any decision of the Board, and that such person will not be properly represented before the Board, he may appoint a *curator ad litem* to such person for such purpose.
- (3) Any person who without reasonable excuse refuses or neglects to attend before the Board as a witness or to produce any document when required so to do by the Board shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty emalangeni, or, in default of payment thereof, imprisonment for a term not exceeding three months.
- (4) In any prosecution under subsection (3) a certificate purporting to be under the hand of the Chairman shall be *prima facie* proof that the accused has refused or neglected to attend as a witness or to produce any document or documents specified in such certificate.

[Amended P.8/1964]

- (5) In any inquiry before a Board evidence shall be taken on oath or on affirmation as prescribed by section 218 of the Criminal Procedure and Evidence Act, [No. 67 of 1938](#), administered by the Chairman in the form required in judicial proceedings.
- (6) Any person who knowingly gives false evidence in any such inquiry shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

- (7) Section 89 of the Magistrate's Court Act, [No. 66 of 1938](#) shall apply *mutatis mutandis* to any proceedings before a Board and to the Chairman and other members thereof.

[Amended K.O-I-C. 4/1973]

12. Decision in absence of party

Where any person upon whom a notice has been served does not appear at the time appointed, a decision may be given in his absence upon hearing the evidence adduced; and such decision shall be as effectual as if given after hearing in the presence of such person.

13. Report of government officers and sworn appraisers

- (1) The written report of any officer of the Department of Public Works or Agriculture or the sworn appraisement of a sworn appraiser, as to the value of the property or of any building or trees or crops thereon, shall be evidence thereof.
- (2) Such officer or sworn appraiser may, on giving three days' notice in writing to the occupier, enter upon the property or into any buildings thereon for the purpose of ascertaining the value of the property and the buildings, trees and crops thereon.
- (3) Any person by whom a notice under [section 10\(7\)](#) has been issued or on whom such a notice has been served or the representative of the Minister may call such officer or sworn appraiser as a witness and may also adduce any other evidence as to value.
- (4) The report of the officer or sworn appraiser may be proved by a copy thereof under his hand:
Provided that if the officer or sworn appraiser is not called as a witness by the parties at whose request his report or appraisement has been made, any other party to the proceedings may require him to be called for the purpose of cross-examination.
- (5) Proof of the signature of such copy shall not be required unless the court sees reason to doubt the genuineness thereof.

14. Part of a house

No person shall at any time be required to sell and convey to the Minister a part only of any house or other building if he is willing and able to sell and convey the whole thereof.

15. Matters to be considered in determining compensation

- (1) The Board, in determining the amount of compensation to be awarded for property compulsorily acquired or to be acquired under this Act, shall take into consideration the following matters, namely—
 - (a) the market value of the property at the date of the service of the notice of acquisition under [section 5](#) or the date of publication of the notice under [section 8\(4\)](#), whichever date is the earlier;
 - (b) any increase in the value of any other property of a person interested likely to accrue from the use to which the property acquired will be put;
 - (c) any damage sustained by a person interested, by reason of the severing of any land from any other land of such person;
 - (d) any damage sustained by a person interested, by reason of the acquisition injuriously affecting any other property of such person;
 - (e) any reasonable expenses incidental to a change of residence or place of business of a person interested which is necessary in consequence of the acquisition.

- (2) The Board, in determining the amount of compensation to be awarded for property compulsorily acquired or to be acquired under the provisions of this Act, shall not take into consideration any of the following matters, namely—
- (a) the fact that the acquisition is compulsory;
 - (b) the degree of urgency which has led to the acquisition;
 - (c) any disinclination of any person interested to part with the property;
 - (d) any damage sustained by any person interested which, if caused by a private person, would not be a good cause of action;
 - (e) any increase in the value of the property over and above the market value referred to in subsection (1)(a) hereof which is likely to accrue from the use to which it will be put when acquired;
 - (f) any outlay on additions or improvements to the property incurred after the date of the publication of the notice of acquisition under [section 8\(4\)](#) unless such additions or improvements were, in the opinion of the Board, necessary.
- (3) If the market value of the property has been increased by means of any improvement made within one year immediately preceding the publication of the notice of acquisition under [section 8\(4\)](#), such increase shall be disregarded unless it is proved that the improvement was made *bona fide* and not in contemplation of such property being compulsorily acquired under the provisions of this Act.

16. Compensation for loss of rents and profits

If the Minister has in pursuance of a notice under [section 7](#) entered into possession of any property, the Board may award compensation to the owner of such property and to all persons entitled to any title or interest therein for loss of rents and profits for the period between the time the Minister so entered into possession and the time when the consideration due under an agreement has been paid to the persons entitled thereto or compensation has been paid under this Act.

17. Withdrawal by Minister

- (1) Nothing in this Act shall be taken to compel the Minister to complete the acquisition of any property unless he has entered into possession of the property or has failed within one month of the award of the Board to intimate to the Board and to any person who has lodged a claim under [section 9](#), that he does not intend to proceed with the acquisition:
- Provided that the owner of the property and all persons entitled to any title or interest in the land shall be entitled to receive from the Government all costs incurred by them by reason or in consequence of the proceedings for acquisition and compensation for any damage which they may have sustained by reason or in consequence of the notice of intended acquisition.
- (2) The amount of such costs shall be determined in the manner set out in the next succeeding section, and the amount of such compensation, if not agreed upon, shall be determined by the Board.

18. Costs

- (1) In any proceedings under this Act to which the Government is a party the parties may be awarded costs on the same principles as would be applied in a trial action in the High Court and on the tariff contained in the rules of the High Court.
- (2) Any bill of costs due under the preceding subsection and not agreed upon by the parties shall be taxed by the Taxing Master of the High Court.
- (3) Every sum payable by the Government as costs shall be payable upon production of the certificate of the Taxing Master.

19. Postponement of payment of compensation

The decision of the Board respecting any compensation or any question of disputed interest or title shall be final and conclusive as respects all parties upon whom notices have been served in terms of [section 8](#), or who have appeared and claimed or on whose behalf any person having authority thereto has appeared and claimed any compensation, interest or title:

Provided that if any question of law arises as to the principle upon which compensation has been or should be awarded or as to any question of disputed interest or title the Chairman may, of his own motion or at the request of the Minister or of any person who has been shown to have any title or interest in the property acquired, reserve such questions of law for decision by the High Court and such questions shall be stated in the form of a special case and shall be determined by the High Court which may make such order as to costs as to it shall deem fit.

20. Filing for award and time for payment

In every case where an award has been made under this Act—

- (a) the award of the Board, signed by the Chairman, shall be transmitted to the Registrar of the High Court who shall cause the award to be filed in the records of the High Court and shall transmit a certified copy thereof to the Minister and to all parties upon whom notices have been served in terms of this Act or who have appeared before the Board and claimed any compensation, interest or title;
- (b) if by such award any person is entitled to compensation, the amount thereof shall be payable on registration of conveyance of title to the Minister by the Registrar of Deeds if such registration is necessary or otherwise within two months of the receipt of the certified copy of the award by the Minister and such payment shall operate as a full and legal discharge and acquittance of the Minister from all claims in respect of any property the subject of the award.

21. Payment of compensation to Accountant-General

- (1) If property is compulsorily acquired under this Act and there is no person competent to receive any compensation awarded or any portion thereof because he is absent from Swaziland or is not represented by a duly authorised agent, or after diligent enquiry he cannot be found, the Minister shall apply by motion supported by affidavit to a judge of the High Court in Chambers for an order authorising the Minister to deposit with the Accountant-General to the credit of whoever may be entitled to the compensation, the amount awarded as compensation, and any judge of the High Court shall have power to make such order.
- (2) Any moneys deposited in pursuance of the preceding subsection not claimed within forty years of the date of such deposit shall lapse to the Government.
- (3) Nothing in this section shall be construed as affecting the liability of any person who may receive the whole or any part of any compensation awarded under this Act to pay the same to the person lawfully entitled thereto.

22. Conveyance of title

- (1) If the compulsory acquisition of property under this Act necessitates registration by the Registrar of Deeds of any conveyance of title thereto and the person required to complete the necessary documents for the purpose of effecting such conveyance fails, neglects or refuses to complete such document within a reasonable time, or if that person cannot after diligent search be found, the Registrar of the High Court may complete and sign such documents in the name of that person, and the Registrar of Deeds may register such conveyance on receipt of the documents completed and signed by the Registrar of the High Court together with an affidavit by the Minister setting out the full facts.

- (2) Notwithstanding anything in any other law, no transfer or stamp duty shall be payable in respect of any conveyance of title consequent upon acquisition of property in terms of this Act.

[Amended P.8/1964]

23. Persons in possession as owners

If any question arises respecting the title to occupation or possession of any property to be acquired under this Act, the persons in occupation or possession thereof, or in receipt of any rents lawfully payable in respect thereof, shall be deemed to have been lawfully entitled to such occupation or possession, unless the contrary be shown to the satisfaction of the Board and they and all persons claiming under them or consistently with their possession shall be deemed entitled to the consideration or purchase money, but without prejudice to any subsequent proceedings against such persons at the instance of any person claiming to have a better right thereto.

24. Minister exonerated upon payment

The payment in pursuance of this Act of any consideration or compensation to any person or the payment to the Accountant-General in terms of [section 21\(1\)](#) shall effectually discharge the Minister from seeing to the application or being answerable for the misapplication thereof:

Provided that where any person is in possession in any fiduciary or representative character, the Minister may pay such consideration or compensation to such persons and in such proportions and instalments and after such notices as the Board may direct.

25. Effect of registration of conveyance

Every conveyance of title into the name of the Minister resulting from acquisition of property under this Act shall confer on the King, his heirs and successors, the title or interest comprised or referred to therein against all persons, free from all adverse or competing rights, title, interests, trusts, claims and demands whatsoever, subject to the terms and conditions, if any, therein mentioned.

26. Proceedings where possession of property withheld

If any person hinders or obstructs any person duly authorised by the Minister in entering upon and taking possession of any property the possession of which he may lawfully claim in pursuance of this Act, the Minister may apply *ex parte* at any time to the High Court for a writ of possession and such court may thereupon upon proof of the service and publication of the notices mentioned in [sections 5 and 7](#), issue a writ of possession (which shall be in Form C in the Schedule), addressed to the Sheriff under which any officer of the Sheriff or police officer may forthwith eject any person so withholding possession.

27. Penalty for hindering the taking of possession

Every person who wilfully hinders or obstructs any person duly authorised by the Minister in entering upon or taking possession of or using any property in pursuance of the provisions of this Act or who molests, hinders or obstructs such person when in possession of such property, or hinders or obstructs any officer of the Sheriff or police officer when executing a writ of possession shall be guilty of an offence and liable on conviction to a fine not exceeding fifty emalangeni or in default of payment thereof, imprisonment not exceeding three months or to both such fine and imprisonment.

[Amended P.8/1964]

28. Amount of proposed compensation to be stated in notice

Every notice issued in terms of [section 10\(7\)](#) shall state the sum which the Minister is willing to pay for the property to which the notice relates, and when part only of the property belonging to any person is required such notice shall also state any sum allowed in estimating such amount for enhancement of the value of the residue of such property.

29. Rules

- (1) The Chief Justice may make Rules for regulating the proceedings before a Board and, without derogating from the generality of the powers hereby conferred, may in particular make Rules as to the pleading, practice and procedure of the Board, including all matters connected with the forms to be used.
- (2) No court fees shall be payable in respect of any notice, subpoena, pleading or form required by this Act or by the Rules made in terms of the preceding subsection.

30. Presumptions of ownership

The fact that a notice has been served upon any person under sections 5 and 7 shall not be taken as an admission by the Minister that the person on whom such notice has been served or any other person has any estate or interest in the property or any part of the property specified in the notice, or debar the Minister from alleging in any proceedings under this Act or otherwise that such property is owned by the King.

31. Interest

- (1) If any award of compensation made in terms of this Act exceeds the amount of compensation offered by the Minister, there shall be added to such award interest at the rate of six per cent per annum calculated from the date upon which the Minister took possession thereof to the date of the payment of the amount of compensation awarded.
- (2) No interest shall be payable in respect of compensation deposited in terms of [section 21](#).

32. Power of Minister to call for statements

- (1) The Minister may require the owner, occupier or person in possession or any person known or believed to be interested in any property of which the Minister has taken possession or which is to be acquired compulsorily under this Act, to deliver to him within a time to be specified by him a statement in writing containing, as far as may be practical, the name of every other person possessing any interest in the property, or any part thereof, as co-owner, mortgagee, lessee, sub-lessee, tenant or otherwise, and of the nature of such interest, and of any rents and profits, received or receivable on account thereof for the period of three years next preceding the date of the statement.
- (2) Every person who is required under this section to deliver a statement and who without reasonable excuse refuses or neglects to do so, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty emalangenis or in default of payment thereof, imprisonment not exceeding fourteen days.

[Amended P.8/1964]

- (3) Every person who is required under this section to deliver a statement and who wilfully makes a false statement shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangenis or in default of payment thereof, imprisonment not exceeding six months.

[Amended P.8/1964]

33. Expenses of Board of Assessment

The Minister may prescribe the amounts to be paid to the Chairman and members of any Board in respect of travelling expenses and subsistence allowances; and in respect of fees.

34. Repeal of Proclamation No. 5 of 1902

The Expropriation of Lands and Arbitration Clauses Proclamation, No. 5 of 1902, of the Transvaal, as in force in Swaziland, is hereby repealed, and any reference to that Proclamation in any deed or document shall be construed as a reference to this Act.

Schedule

Form A – Form of notice (Section 5) Acquisition of Property Act, 1961

Notice is hereby given that the following property (describe property, and in case of immovable property give reference to title deed, and the measurements and boundaries of areas to be acquired, where practicable) is needed by the Minister for public purposes absolutely (or for a term of years as the case may be).

Any person claiming to have any title or interest in the said property is required within two months from the date of this notice to send to the Minister a statement of his title thereto or interest therein and of the evidence thereof, and of any claim made by him in respect of such title or interest.

The Minister is willing to treat for the acquisition of the said property.

And notice is also hereby given that the Minister intends to enter into possession of the said property at the expiration of _____ weeks from the date of this notice.

Any person who wilfully hinders or obstructs any person employed by the Minister in entering upon or taking possession of the said property or who molests, hinders or obstructs such person when in possession of the said property, is liable under the provisions of the above-named Act on conviction to a fine of fifty emalangeni or imprisonment for three months.

Dated at _____ this _____ day of _____ 19 ____

Minister for Natural Resources

Form B – Form of notice (Section 10(7)) Acquisition of Property Act, 1961

Whereas the Minister has resolved that the following property is needed for public purposes, viz. *(here describe the property, and in the case of immovable property give reference to title deed, and the measurements and boundaries of areas to be acquired, where practicable).*

Take notice that a Board of Assessment will sit at (place) at (time) on the _____ day of _____ 19 ____

to hear and determine the following dispute arising out of the said acquisition—

(Here state dispute, e.g. the amount of compensation payable therefor, or the title or interest of A.B. and X.Y. in the said property, etc.)

Where the notice is issued by the Minister, and one of the questions to be decided is the amount of compensation to be paid, the following should be added—

The Minister is willing to pay as compensation the sum of _____

And where such property is part only of the property belonging to any person claiming title or interest therein—

The said sum of _____ is made up as follows—

Gross value of the above-mentioned property

Deduction for enhancement of the value of the residue

Compensation which the Minister is willing to pay

Note.— If the person entitled or claiming to be entitled to the property is willing to accept the compensation above mentioned, he shall notify his assent to the Minister on or before the _____ day of _____ 19 ____

If such person is unwilling to accept such compensation, he shall on or before the said day inform the Minister of the amount which he is willing to accept, and whether, in estimating such amount, he has allowed any sum for enhancement of any residue of the property, and, if so, the amount of the sum allowed.

If any person fails to comply with these instructions, the Board may order him to pay the costs of the proceedings.

Dated at _____ this _____ day of _____ 19 ____

Signature of person issuing summons and *locus standi* (e.g. Minister, Owner of Freehold Title, Lessee, etc.).

To: *(Insert names of all parties interested in the dispute.)*

Form C – Writ of possession (Section 26)
Acquisition of Property Act, 1961

To the Sheriff:

Whereas according to the provisions of the above-mentioned Act, the Minister is entitled to enter upon and take possession of the following property *(describe property)*—

These are therefore to command you to put the Minister or any person duly authorised by him in possession of the said property.

Registrar of the High Court.