

Assented to in Her Majesty's name this 12th day of September, 1966.

H. J. L. BOSTON,
Governor-General.

LS

No. 30



1966

Sierra Leone

The Non-citizens (Interests in Land) Act, 1966

Short title.

[22nd September, 1966.]

Date of commencement.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

- 1. This Act shall apply to the Western Area only.

Application.

Interpreta-
tion.

2. In this Act—

“Board” means a Board consisting of the Ministers responsible for Trade and Industry, Lands, Finance, and Development and the Attorney-General, of which the Minister of Lands shall be the Chairman.

“Non-Citizen” means—

- (a) any individual who is not a citizen of Sierra Leone, and
- (b) any company, association or body of persons corporate or incorporate—
 - (i) more than one half of the members of which are persons who are not citizens of Sierra Leone; or
 - (ii) which by any means is controlled whether directly or indirectly by such persons; or
 - (iii) in the case of a company having a share capital, in which more than one half of the share capital is held beneficially by or on behalf of or in trust for such persons;

“reserved leaseholds” means leaseholds of which the unexpired term exceeds twenty-one years.

Non-
Citizens
not to
purchase
freeholds.

3. No non-citizen shall purchase or receive in exchange or as a gift any freehold land in the Western Area.

Non-
Citizens
not to pur-
chase long
leases in
Western
Area with-
out the
Licence of
the Board.

4. (1) No non-citizen shall purchase or receive in exchange or as a gift any reserved leaseholds in the Western Area without first obtaining a licence from the Board.

(2) The Board may grant licences to purchase or receive in exchange or as a gift reserved leaseholds to non-citizens on such terms and conditions as it shall think fit and every such licence shall contain a description of the land to which it applies.

(3) At least three weeks before the grant of any such licence the Board shall publish a notice of its intention to grant the licence in the *Gazette* specifying the land and the name of the intending purchaser.

(4) The provisions of subsection (3) shall not apply to sales by public auction.

Powers of
Board over
land
received by
Non-
citizens.

5. (1) Any conveyance, lease, grant, transfer, declaration, agreement, settlement or other disposition (other than an assent in favour of persons entitled under a Will or on an intestacy) which, apart from the provisions of this Act would have vested—

- (a) freehold land; or

- (b) reserved leaseholds, where the purchaser has not been previously authorised by a licence issued under section 4,

in a non-citizen (whether alone or together with any other person) shall vest such land (whether freehold or leasehold) in the Board for the whole estate or interest conferred by, or in virtue of, the instrument and the Board shall cause the Sheriff to sell the same by public auction.

(2) If satisfied that failure to observe the law was due to genuine and excusable mistake or ignorance (whether of law or fact) the Board may either—

- (a) permit the parties to annul the transaction or modify it in such manner as may be approved by the Board and grant such licence as may be necessary in relation thereto; or

- (b) cause the Sheriff to sell the property by public auction and if it thinks fit cause to be paid out of the residual proceeds of the sale to the person or persons whose purchase of the freehold or leasehold land caused it to vest in the Board, a sum not exceeding the purchase price stipulated in the disposition which has been avoided (or in the case of a gift or exchange such sum as the Board shall think fit).

(3) The proceeds of sale which have not been disposed of by paragraph (b) of subsection (2), after deducting—

- (a) the costs of the sale and

- (b) any payments which may have become due under a lease, vested in the Board by virtue of this section,

shall be paid into the Consolidated Revenue Fund.

6. (1) The Registrar-General shall not register any such instrument relating to freehold land or reserved leaseholds other than an assent in favour of persons entitled under a will or on an intestacy until he is satisfied either—

- (a) that a licence covering the transaction sought to be registered has been obtained under section 4, or

- (b) that the person to whom the freehold land or reserved leaseholds are being transferred or granted is not a non-citizen.

(2) Where registration of any instrument is delayed on account of enquiries into the citizenship of an applicant, the registration shall be deemed to have been effective for all purposes as from the date the application was first received by the Registrar-General.

(3) The Registrar-General shall keep a separate register of all such pending applications arranged alphabetically according to the surname of the owners of the properties and shall permit the same to be searched by any member of the public for a fee of twenty-five cents.

Mortgage
prior to
Act No.
61 of 1962.

7. The following provisions shall apply to a mortgage made before the 17th of January, 1963, namely—

(a) With the exception of the provisions which require a non-citizen purchaser to obtain a licence from the Board, nothing in this Act shall in any way affect such mortgage or in any way limit the powers or remedies of the mortgagee of any such property.

(b) Notwithstanding the provisions of section 3, a non-citizen may, after obtaining a licence for this purpose from the Board (which shall grant the same unless it shall see strong reason to the contrary) purchase the freehold of such property on a sale by the mortgagee.

Mortgages
after Act
61 of 1962.

8. The following provisions apply to a mortgage made on or after the 17th of January, 1963, namely—

(a) Nothing in this Act shall affect the right to transfer property by way of mortgage;

(b) No order of foreclosure shall be made in favour of a non-citizen mortgagee of property unless he has previously obtained a licence from the Board authorising him to take foreclosure proceedings with respect to the property in question.

(c) Nothing in this section shall be construed as exempting any non-citizen who purchases or leases property from the mortgagor or mortgagee thereof from complying with the provisions of section 4.

Act No. 61
of 1962.

9. All licences granted and acts done under the Land Development (Protection) Act, 1962, hereby repealed shall remain in force as if they were granted or done under this Act.

Passed in the House of Representatives this 13th day of July, in the year of our Lord one thousand nine hundred and sixty-six.

J. W. E. DAVIES,

Acting 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 correctly printed copy of the said Bill.

J. W. E. DAVIES,

Acting Clerk of the House of Representatives.