

STATE LANDS ACT

Cap 224 – 21 March 1874

Cap 121

Act 63 of 1945

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STATE LANDS ACT

1. Short title

This Act may be cited as the State Lands Act.

[S. 1 amended by Act 48 of 1991.]

2. Interpretation

In this Act—

“defence lands” means the land specified in the First Schedule;

“land settlement land” means State land which the Minister, by notice in the *Gazette*, declares to be land settlement land;

“Minister” means the Minister to whom responsibility for the subject of land use is assigned;

“State land” includes defence lands, Pas Géométriques and all lands belonging to or in possession of the State.

[S. 2 amended by Act 48 of 1991; s. 33 (a) of Act 18 of 2008 w.e.f. 19 July 2008.]

2A. Jurisdiction over defence lands

No alienation, disposal, lease or right in, or over, defence lands shall be granted except by or on behalf of the Minister to whom the responsibility for the subject of defence is assigned.

3. Sale of State land

The Minister may sell State land other than—

- (a) defence lands;
- (b) mountain reserves which belong to the State;
- (c) Pas Géométriques; or
- (d) river reserves which belong to the State.

[S. 3 amended by Act 48 of 1991.]

4. Grant or lease for charitable purposes

(1) No State land shall be granted or leased otherwise than at its full rental value.

(2) Notwithstanding subsection (1), the Minister may—

- (a) where a portion of State land is *bona fide* required for religious, charitable or educational purposes, or for purposes of public utility, grant such land, or lease it, on payment of such rental and on such condition as he may approve;
- (b) where a portion of State land is *bona fide* required for development purposes, grant such land, or lease it, on payment of such rental and on such condition as he may approve.

[S. 4 amended by Act 48 of 1991.]

5. Sales of State land

(1) All sales of State land shall be by public auction.

(2) No State land shall be sold unless it is in the public interest to do so and in exchange of another portion of land.

(3) Notwithstanding the other provisions of this Act, where the owner of a house standing on a portion of State Land, which was built as part of a housing estate commonly known as an ex-CHA Housing Estate, is willing to buy the portion of land, the Minister may sell it to him by private contract at the price of 2,000 rupees.

(4) Notwithstanding subsections (1) and (2), the Minister may, subject to the approval of Cabinet, by private contract, sell any portion of land, including any building thereon, forming part of the 1,000 arpents of land to be transferred to Government out of the 2,000 arpents of land to be transferred by the Mauritius Sugar Producers Association (MSPA) in connection with the Government-MSPA deal signed on 22 April 2008.

(5) Notwithstanding this Act, where a person holding a building site lease over a portion of State land of an extent not exceeding 422.087 square metres (10 perches), other than Pas Géométriques, on which stands a residential unit, is willing to buy the portion of land, the Minister may sell it to him by private contract at the price of 2,000 rupees.

(6) (a) Notwithstanding this Act, the Minister may, subject to the approval of Cabinet, by private contract, sell any portion of land, other than Pas Géométriques, for the development of any Government approved project.

(b) Where a portion of land is sold under paragraph (a), the selling price shall be not less than the open market value as the Director, Valuation and Real Estate Consultancy Services may determine or not less than such other value as Cabinet may approve.

[S. 5 amended by s. 3 of Act 34 of 1989 w.e.f. 25 November 1989; s. 23 (2) of Act 48 of 1991 w.e.f. 12 March 1992; s. 3 of Act 4 of 2007 w.e.f. 7 April 2007; s. 33 (b) of Act 18 of 2008 w.e.f. 19 July 2008; s. 42 of Act 27 of 2013 w.e.f. 1 January 2014; s. 47 of Act 9 of 2015 w.e.f. 14 May 2015.]

6. Leases of State land

(1) All leases of State land shall be—

- (a) by public auction, notice of which shall be given in the Gazette, and 2 daily newspapers, at least 2 weeks before the day fixed for the auction, or by private contract on such terms and conditions, not inconsistent with this Act, as the Minister may approve;
- (b) subject to the conditions that—
 - (i) the land leased shall not be used for any purpose for which it is not leased without the prior approval in writing of the Minister;
 - (ii) the land leased shall not be so utilised as to constitute any nuisance or cause any detriment to or pollution of the natural resources and the environment, including any adjoining sea, beach, lake, canal or river; and
 - (iii) the lease may be cancelled, after service of a notice setting out the reason for the cancellation, if subparagraph (i) or (ii) is not complied with; and
- (c) in accordance with guidelines issued by the Ministry, in terms of criteria, conditions and procedures to be adopted.

(1A) In the case of leases for campement sites, not more than—

- (a) one lease shall be held by a person, directly or indirectly, at any time; and
- (b) one arpent and a quarter shall be let at any time to a person unless—
 - (i) a portion of State land exceeding one arpent and a quarter is so situated that it cannot conveniently be divided, and, in the opinion of the Minister, it is desirable to let the whole of that portion to one person; or
 - (ii) the granting of a lease of State land exceeding one arpent and a quarter is—
 - (A) in the opinion of the Minister, in the public interest; or
 - (B) approved by the Minister, where the land is to be used for recreation by a registered club or for a bona fide religious, charitable or educational purpose.

(1B) In the case of leases for industrial and commercial purposes, the particulars thereof and the guidelines referred to in subsection (1) (c) shall be available for consultation at the Ministry and posted on the website of the Ministry.

(1C) Notwithstanding section 7 (1) (a) of the Pas Géométriques Act, a lease granted under subsection (1B) for industrial or commercial purposes shall—

- (a) be valid for a period not exceeding 60 years;
- (b) in respect of the land leased situated—
 - (i) in a zone specified in Part I of the Second Schedule, be subject to payment of an annual rental corresponding to the zone as specified in Part II of the Second Schedule; or
 - (ii) outside the zone referred to in subparagraph (i), be subject to payment of an annual rental as specified in Part III of the Second Schedule; and
- (c) be subject to such other conditions as the Minister may determine.

(1D) Notwithstanding subsection (1C) and subject to subsection (1E), any lease for industrial or commercial purposes which is valid as at 19 July 2008 shall remain governed by its existing terms and conditions.

(1E) The Minister shall make an offer, in such form as he may determine, to the lessee of a lease referred to in subsection (1D) where the land leased is situated—

- (a) in a zone specified in Part I of the Second Schedule; and
 - (i) is of an extent of 15 perches or more; or
 - (ii) is leased for the purposes of a hotel, bungalow complex or guest house; or
- (b) in the city centre of Port Louis,

for the lessee to irrevocably opt, not later than 30 September 2009, to enter into a new lease in respect of the land.

(1F) Notwithstanding subsection (1C), where a large investment project is deemed by the Minister, subject to the approval of Cabinet, to be in the economic interest of Mauritius, the annual rental determined in accordance with that subsection shall be reduced by such amount as the Minister may determine and any lease may be granted for a period not exceeding 99 years, with the approval of the Minister, subject to the approval of Cabinet.

(1G) Where a lessee opts for a new lease under subsection (1E) and the duration of the new lease covers any period of the existing lease, any rental payable or paid in respect of that period of the existing lease shall be deducted from the rental payable at the time of signature of the new lease or refunded, as the case may be.

(1H) The Second Schedule shall apply until a fiscal *cadastre* is operational.

(2) The rents shall be payable in advance and, in default of payment of an instalment within one month after service of a notice claiming payment, the Minister may, notwithstanding any other enactment, by an order in writing, cancel the lease, and thereupon Government may, without any further formality, resume possession of the land.

(3) (a) Where the lessee, in the exercise of his rights under the lease, has planted the land possession of which is resumed by Government, the Minister shall assess the value of the plantations existing at the time of resumption of possession and shall, after deducting from the assessment the arrears of rent due, pay over to the lessee, as compensation, an amount equal to the excess, if any, of the assessment over the arrears of rent due.

(b) Once the assessment has been made, the lessee shall be made aware of it, and shall be informed of his right of appeal under subsection (4).

(4) A lessee aggrieved by the assessment made under subsection (3) may appeal to the Magistrate of the district where the State land is situated.

(5) Every appeal to the District Court shall be by plaint with summons and shall be heard and determined according to the procedure prescribed by the District and Intermediate Courts (Civil Jurisdiction) Act.

(6) The plaint shall state the grounds of appeal and the appellant shall not adduce evidence of any ground which is not included in the plaint.

(7) The plaint shall be lodged with the District Clerk within 10 days after notification to the appellant of the assessment complained of.

(8) The Magistrate may either dismiss the appeal or vary the assessment, with or without costs.

[S. 6 amended by s. 4 of Act 34 of 1989 w.e.f. 25 November 1989; s. 23 (1) of Act 48 of 1991 w.e.f. 12 March 1992; s. 7 of Act 29 of 2004 w.e.f. 1 December 2004; s. 33 (c) of Act 18 of 2008 w.e.f. 19 July 2008; s. 40 (a) of Act 14 of 2009 w.e.f. 30 July 2009; s. 16 of Act 10 of 2010 w.e.f. 24 December 2010; s. 24 (a) of Act 26 of 2012 w.e.f. 22 December 2012.]

7. Rules for sale or lease by auction

(1) Where State land is to be sold or leased by public auction, the Minister shall give notice thereof in the *Gazette* and 2 daily newspapers 2 weeks at least before the day fixed for the sale or lease.

(2) The notice shall distinctly state whether there are on the land intended to be sold or leased buildings belonging to the State and, if so, whether the buildings are to be sold or leased with the land.

(3) (a) Subject to paragraph (b), the land or the lease thereto shall be adjudged at the auction to the highest bidder.

(b) The Minister may withdraw such land or lease from the auction if the highest bid is, in his opinion, below the actual value of the land or the actual rental value, as the case may be.

[S. 7 amended by s. 23 (2) of Act 48 of 1991 w.e.f. 12 March 1992.]

8. Land with buildings

(1) Where there are on the land to be disposed of any buildings not belonging to the State, the land shall be sold irrespective of the value of the buildings, the purchaser of the land being left free to contract with the owner of the buildings.

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(2) Before the land is put up for sale, the owner of the buildings shall receive 28 days' notice from the Chief Surveyor in order to elect to remove his buildings before the sale.

[S. 8 amended by Act 48 of 1991.]

9. —

10. Conditions of sale settled by Minister

(1) (a) The conditions of sale settled by the Minister shall be read aloud by the public auctioneer, and may vary according to the special circumstances of every case.

(b) In every case, one quarter of the purchase price shall be paid before the purchaser is allowed to sign the conditions of sale, and the purchaser shall enter into a bond with 2 sureties bound jointly and severally with him to pay the balance of the purchase price at the time and in the manner settled in the conditions of sale.

(2) Nothing in subsection (1) shall take away, or in any manner modify, the Government's privileged vendor's right in and over the property thus sold.

11. Purchase price

The public auctioneer shall forthwith pay into the hands of the Accountant-General the sums paid on account of every such sale, and the Accountant-General, to whom the necessary information shall forthwith be conveyed by the Chief Surveyor, shall claim payment of the balance due at the time when such payments ought to be effected.

12. Time for payment may be granted

(1) The Minister may grant time to a purchaser for the payment of the balance due on any purchase price, and where any such balance is not paid at the time it should be paid, the land shall be put up again for sale by public auction in the manner and form specified in this Act.

(2) The money deposited on the day of sale shall be forfeited, and the bonds shall at once be referred to the Attorney-General for action in case of need.

(3) Where, on a subsequent sale, or upon action brought against the original purchaser or sureties, the whole amount of the original purchase price with all costs and incidental charges is recovered, the Minister may remit to the original purchaser such portion of the forfeited money as is in excess of the original purchase price, costs and incidental charges.

13. Payment of purchase price

A purchaser may pay to the public auctioneer at the time of the sale the whole of the purchase money, and also pay by anticipation into the hands of the Accountant-General the whole of the balance due on the purchase price.

14. Deed of sale to be executed within 4 months

(1) Every purchaser or lessee shall execute the deed of sale or of lease within 4 months of his entry in possession.

(2) Every deed of sale shall embody the conditions of sale under which the adjudication took place, a short memorandum of the adjudication and, where the conditions of sale do not convey a sufficiently clear and accurate verbal description, there shall be annexed a descriptive survey of the lands sold, made or caused to be made by the Permanent Secretary of the Ministry or any officer delegated by him.

(3) The survey shall be made at the expense of the purchaser.

(4) Every deed of lease shall contain the stipulated conditions of the lease, and to it shall be annexed a descriptive survey under the same conditions as are enacted for deeds of sale.

15. Deed made at transferee's expense

Deeds, whether of sale or of lease, shall be made at the expense of the purchaser or lessee, and shall be registered and transcribed by the Conservator of Mortgages at the instance of Government, but at the expense of the purchaser or lessee.

15A. Parties to deeds

(1) The deeds mentioned in section 15 shall be signed by the party purchasing the land or taking the lease and the Permanent Secretary of the Ministry.

(2) Deeds of lease of land settlement land shall be signed by the party taking the lease and by the Chief Agricultural Officer.

15B. Control over land settlement land

Notwithstanding any other enactment, the control of, and supervision over, land settlement land shall be vested in the Chief Agricultural Officer.

16. Non-execution of deed of sale or lease

(1) Where a purchaser or lessee neglects to execute his title deed within the period specified in section 14, he shall receive a notice to do so within 14 days, and where such notice is not complied with within 14 days, the sale or lease shall be held to be annulled and a new sale or lease shall be proceeded with.

(2) The money paid by the purchaser or lessee shall be forfeited, subject to the power granted to the Minister by section 12.

17. Purchase of land not advertised

A person who wishes to purchase at a public auction land which has not been advertised for sale, or to lease the land, may apply to the Minister stating as precisely as possible the locality, area and boundaries of the land required to be purchased or to be held under contract of lease.

18. *Jouissances*

The Minister shall not grant *jouissances* of State land.

[S. 18 amended by Act 48 of 1991.]

19. —

20. Expiring *jouissances*

(1) Existing *jouissances* held for a limited period determined by efflux of time shall not be renewed, but may be converted into a sale or a lease as the Minister thinks fit.

(2) Where there are buildings erected by the holder of the *jouissance* on the land, the holder may remove his buildings or demand that the land be put up for sale, unless the Minister agrees to purchase the buildings.

21. —

22. Eviction of squatters

(1) No person shall take possession of, encroach upon, cultivate or put up any building or other structure on any part of any State land without the express authorisation in writing of the Minister.

(2) Every person who fails to comply with subsection (1) or who is a person in occupation of State land without any right or authority, shall be deemed to be a squatter.

(3) Where the Minister is satisfied that there is a squatter on State land, he may cause a notice to be issued calling upon him to vacate the land within a delay to be specified in the notice.

(4) A notice issued under subsection (3) shall be served on the squatter in person or, where the squatter cannot be traced or served with the notice within 48 hours of its issue, posted up in a conspicuous place on the land or any building or other structure on the land.

(5) (a) Where a squatter fails to comply with a notice served on him or posted up in accordance with subsection (4), he shall commit an offence and shall, on conviction, be liable—

- (i) in the case of a person who has put up a building or other structure on State land, to imprisonment for a term not exceeding 5 years;
- (ii) in any other case, to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 12 months.

(b) Any person who incites another person to take possession of, encroach upon, cultivate or put up any building or other structure on any part of any State land without the express authorisation in writing of the Minister, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 5 years.

(c) The Probation of Offenders Act shall not apply to a conviction under this subsection.

(6) Subject to subsection (3), and notwithstanding subsection (5), the Minister may, with the assistance of a police officer, cause a squatter to be removed from any land occupied by him, and cause any building or other structure existing on the land to be demolished.

(7) Where a squatter who has been removed from State land re-occupies it, or occupies other State land without the express authorisation in writing of the Minister, he shall commit an offence and shall, on conviction, be liable to a fine of 5,000 rupees and to imprisonment for a term which shall not be less than one year nor more than 3 years.

(8) Subsection (7) shall be without prejudice to the right of the Minister to remove the squatter from the land, or to cause a building or other structure put up by him to be demolished.

(9) Where a building or other structure is demolished pursuant to this section, such part of the materials as are still in good or usable condition shall be kept by the Minister, and returned to the squatter, upon his application and upon payment by him of a reasonable sum to defray the expenses of demolition.

(10) In any proceedings under this section, a certificate from the Chief Surveyor that land which is the subject matter of the proceedings is State land shall be *prima facie* evidence that the land is State land.

(11) No action for damages or otherwise shall lie against the Minister, or any person acting under his authority, in respect of anything done under this section, except where the person evicted or the person whose building or structure was demolished was in possession of an authority in writing from the Minister to occupy the land or to put up the building or other structure on the land, or was lawfully in occupation of the land.

[S. 22 amended by Act 6 of 1986; reprinted by Reprint 4 of 1986; Act 48 of 1991.]

23. —

24. Entry of surveyors on contiguous properties

(1) Where a Government surveyor, or a land surveyor deputed by the Permanent Secretary of the Ministry, shall *bona fide* in the course of a survey find it necessary to enter upon the property of a neighbouring proprietor for the purposes of his operations, he may do so, provided that if such neighbouring proprietor, to whom 8 days' written notice has been given, raises an objection or makes a protest, the Government surveyor or land surveyor shall take note of such objection or protest, and enter the same in the memorandum of survey drawn up by him.

(2) Where the surveyor finds it necessary to cut standing crops or timber or brushwood for the purposes of his operation, he shall apply to a Judge in Chambers or the Magistrate of the district, and the Judge or Magistrate may give an order to that effect after having heard the neighbouring proprietor.

(3) Where a frivolous or false objection or protest is made to the entry of a surveyor instructed to carry out the provisions of this Act, the Court or the Judge or the Magistrate called upon to adjudicate on the nature and force of such objection or protest, may declare the same to have been false or frivolous, and may order the party who made the objection or protest to pay the costs of suit and a fine not exceeding 200 rupees.

25. Curatelle lands

(1) Where the Curator has been sent in possession of immovable property, the area of which is of 50 acres or more, he shall give notice of the fact to the Conservator of Forests, who shall then keep watch over, superintend and protect, such property on behalf and at the expense of the Curator.

(2) The Conservator of Forests shall not incur any expense on account of the property, except such as may be necessary to keep watch over, superintend and protect it.

26. Rights of police and forest officers

(1) A police officer shall have the same rights and duties as a forest officer and, when acting as such, shall be deemed a forest officer under this Act.

(2) A forest officer shall have, with regard to search warrants issued in any suspected case of a breach of this or any other enactment concerning State land, woods, forests or plantations, the same powers as a police officer.

[S. 26 amended by Act 48 of 1991.]

27. —

28. Costs and powers of Minister

(1) Where the Minister thinks it just and expedient to grant a lease of State land to a person having squatted on it, or to any other person, and whatever may be the terms or conditions of the lease, the Minister, where satisfied that the tenant or intended tenant is too poor to be able to pay the costs for a title deed or for its registration, may remit such costs, or reduce them to such nominal sum as he thinks just and reasonable, or allow them to be paid by instalments.

(2) The costs for a title deed which the Minister is empowered to remit or reduce, or allow to be paid by instalments, under this section shall include costs of transcription of the title deed.

[S. 28 amended by Act 48 of 1991.]

29. – 30. —

31. Exchange of State land

Subject to this Act and the Pas Géométriques Act, the Minister may authorise the exchange of State land for any other land by private contract, upon such terms and conditions as he may approve.

[S. 31 amended by Act 48 of 1991.]

32. State land in payment of compensation

Subject to this Act and the Pas Géométriques Act, the Minister may authorise State land to be given by private contract, upon such terms and conditions as he may approve, in payment of any compensation payable in respect of land compulsorily acquired by Government.

[S. 32 amended by Act 48 of 1991.]

33. Regulations

(1) The Minister may—

- (a) make such regulations as he thinks fit for the purposes of this Act;
- (b) by regulations, amend the Schedules.

(2) Any regulations made under subsection (1) may include conditions under which stones, coral, earth, turf and grass may be removed from State land.

(3) Any person who removes, or causes to be removed, any stones, coral, earth, turf or grass from State land in contravention of any condition prescribed by such regulations shall commit an offence and shall, on conviction, be liable, to a penalty not exceeding 50 rupees.

(4) In the case of leased Pas Géométriques, the consent in writing of the lessee to the removal of stones, coral, earth, turf, grass or sand from the Pas Géométriques shall be obtained.

[S. 33 amended by Act 34 of 1989; Act 48 of 1991; s. 33 (d) of Act 18 of 2008 w.e.f. 19 July 2008.]

34. Public nuisance

(1) Any person who dumps, or causes to be dumped, any sand, coral, earth, stones, wood or other object on State land or on any beach, sea, canal, river or lake adjoining State land, shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 500 rupees nor more than 2,000 rupees, and to imprisonment for a term which shall not exceed 6 months.

(2) In addition to the penalty specified in subsection (1), the Court may order the offender to remove the subject matter of the offence, within a period to be specified by the Court or, in case of default, to pay the costs of the removal.

(3) Subject to subsection (1), any person who acts contrary to section 6 (1) (b) (ii) shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 1,000 rupees nor more than 5,000 rupees, and to imprisonment for a term which shall not be less than one month nor more than 12 months.

(4) —

[S. 34 amended by Act 34 of 1989; Act 48 of 1991.]

35. State land imprescriptible

Notwithstanding article 2227 of the Code Civil Mauricien or any other enactment, State land is imprescriptible.

[S. 35 amended by Act 48 of 1991.]

36. Recovery of rent

(1) Recovery of rent due under—

- (a) any shooting, fishing or grazing lease, of State land shall take place at the instance of the Conservator of Forests;
- (b) any other lease of State land shall take place at the instance of the Accountant-General.

(2) Where any rent is due, it shall be recovered by the Conservator of Forests, or the Accountant-General, as the case may be, under the procedure and in the form and manner provided by the Recovery of State Debts Act, and that Act shall apply to all proceedings under this section.

[S. 36 amended by Act 34 of 1989; Act 48 of 1991.]

FIRST SCHEDULE

[Section 2]

1. A portion of land situate at Le Chaland in the district of Grand Port of an extent of 16A64 excised from a portion of 44A80 which belonged to the Admiralty as evidenced by title deed transcribed in Vol. 512 No. 215 and subsequently transferred to the Secretary of State for Defence by virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom. The said portion of 16A64 is more fully described in a Memorandum of Survey drawn up by Mr R Duvergé, Surveyor, Ministry of Housing, Lands and Town and Country Planning, and closed on 24 February 1969 and registered in Reg. LS 20 No. 9649.

2. (1) Three portions of land situate at Vacoas in the District of Plaines Wilhems and measuring respectively 17A70, 11A60 and 10A55 being all that remains of a portion of an original extent of 41A50 which belonged to Her Majesty's Principal Secretary of State in the United Kingdom as evidenced by title deed transcribed in Vol. 237 No. 228, after excision of a portion of 1¼ acres and a strip of OA46 along St Paul Road from Portion No 1.

(2) Those 3 portions of lands were subsequently transferred to the Secretary of State for Defence by virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom and are more fully described in a Memorandum of Survey drawn up by Mr Max Derblay, Surveyor, Ministry of Housing, Lands and Town and Country Planning and closed on 13 January 1969 and registered in Reg. LS 20 No. 9517.

3. A portion of land of an original extent of 5A38 but in reality of an extent of 5A50 situate at Phoenix in the District of Plaines Wilhems which belonged to Her Majesty's Principal Secretary of State for the War Department as evidenced by title deed transcribed in Vol. 230 No. 141 and subsequently transferred to the Secretary of State for Defence in virtue of subsection (2) of section 2 of the

Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom and more fully described in a Memorandum of Survey drawn up by Mr Max Derblay, Surveyor, Ministry of Housing, Lands and Town and Country Planning and closed on 31 December 1968 and registered in Reg. LS 20 No. 9501.

4. A portion of land of an original extent of 29A69 but in reality of an extent of 29A66 situate at Phoenix in the District of Plaines Wilhems which belonged to the War Department as evidenced by title deed transcribed in Vol. 252 No. 355 and subsequently transferred to the Secretary of State for Defence in virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom and more fully described in a Memorandum of Survey drawn up by Mr Carol Lecordier, Surveyor, Ministry of Housing, Lands and Town and Country Planning and closed on 20 December 1968 and registered in Reg. LS 20 No. 9492.

5. (1) A portion of land of an extent of 134A71 made up of part of a portion of land of an extent of about 166A15 donated by Her Majesty's Principal Secretary of State for the War Department in the United Kingdom to the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland as evidenced by title deed transcribed in Vol. 846 No. 98, and of part of a portion of 68A49 being all that remains of a portion of 239A50 purchased by Her Majesty's Principal Secretary of State for the War Department in the United Kingdom as evidenced by a title deed transcribed in Vol. 230 No. 141.

(2) The 2 portions of 166A15 and 68A49 were subsequently transferred to the Ministry of Defence by virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom and the said portion of 134A71 is more fully described in a Memorandum of Survey drawn up by Mr Max Derblay, Surveyor, Ministry of Housing, Lands and Town and Country Planning on 21 January 1969 and closed on 26 May 1969 and registered in Reg. LS 20 No. 9748.

6. 197 portions of land listed in the Appendix to this Schedule forming part of Plaisance Airport Grounds in the District of Grand Port place called Plaisance acquired by the former Colonial Government of Mauritius for and on behalf of the Admiralty of the United Kingdom, the ownership of which was subsequently transferred to the Secretary of State for Defence in virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act, 1964 of the United Kingdom. The 197 portions of land are included in a block of land of an extent of 1042A64 more fully described in a Memorandum of Survey drawn up by M L A Roblet, Divisional Surveyor, Ministry of Housing, Lands and Town and Country Planning on 14 February 1969 and closed on 10 March 1969 and registered in Reg. LS 20 No. 9665.

7. A portion of land of an extent of 0A99 which belonged to the Admiralty as evidenced by a title deed transcribed in Vol 512 No 215 and subsequently transferred to the Secretary of State for Defence in virtue of subsection (2) of section 2 of the Ministry of Defence (Transfer of Functions) Act 1964 of the United Kingdom and more fully described in a Memorandum of Survey drawn up by Mr P Savrimoutou then Assistant Surveyor PWD and closed on 26 September 1946, and registered in Reg. LS 17 No. 8298.

[First Sch. renamed by s. 33 (e) of Act 18 of 2008 w.e.f. 19 July 2008.]

SECOND SCHEDULE

[Section 6 (1C) (b), (1E) and (1H)]

PART I – ZONE

	A	B	C	D	E
1.	From the boundary separating Trou aux Biches Public Beach declared under General Notice 206 of 1940 and the southern limit of Trou aux Biches Fish Landing Station to Anse La Raie Youth Camp	From Anse La Raie Youth Camp to Southern boundary of Bassin Faoulez		From Southern boundary of Bassin Faoulez to Mouth of Rivière du Rempart	
2.	From Pointe de Flacq Cemetery to Limekiln Trou D'Eau Douce	From Mouth of Rivière du Rempart to Pointe de Flacq Cemetery			
3.	From Pointe Jérôme Youth Camp to Public beach at La Cambuse declared under General Notice 2147 of 1996	From Limekiln Trou D'Eau Douce to Mouth of Rivière Sèche	From Mouth of Rivière La Chaux to Pointe Jérôme Youth Camp		From Mouth of Rivière Sèche to Mouth of Rivière La Chaux
4.			From Mouth of Rivière Patates to St Martin Cemetery	From Mouth of Rivière Bain des Nègresses to Mouth of Rivière Patates	From Public beach at La Cambuse declared under General Notice 2147 of 1996 to Mouth Rivière Bain des Nègresses

SECOND SCHEDULE—continued

	A	B	C	D	E
5.	From Intersection of P. G. L'Embrasure with Black River Savanne Coastal Road (B 9) to the boundary separating the industrial site leased as hotel and that of golf course as P. G. Le Morne Brabant		From the boundary separating the industrial site leased as hotel and that of golf course at P. G. Le Morne Brabant to Barachois Les Salines	From St Martin Cemetery to intersection P. G. L'Embrasure with Black River Savanne Coastal Road (B 9)	
6.	From Barachois Les Salines to Northern boundary of Part of P. G. Anna leased as a campement site having at its southern boundary Public beach P. G. Anna declared under General Notice 348 of 1991		From Northern boundary of Part of P. G. Anna leased as a campement site having at its southern boundary Public beach P. G. Anna declared under General Notice 348 of 1991 to Public Beach at P. G. Mon Plaisir declared under General Notice 609 of 1991	From Public beach at P. G. Mon Plaisir declared under General Notice 609 of 1991 to Mouth of Grand River North West	From Mouth of Rivulet Terre Rouge to the boundary lying south of Rue des Aigles, at a distance of 74 m measured south along Baie du Tombeau Road (B 29)

SECOND SCHEDULE—continued

A	B	C	D	E
7.	From Junction of Japonais Road with Pointe aux Piments Mont Choisy Coast Road to the boundary separating Trou aux Biches Public beach declared under General Notice 206 of 1940 and the southern limit of Trou aux Biches Fish Landing Station		From the boundary lying south of Rue des Aigles at a distance of 74 m measured south along Baie du Tombeau Road (B 29) to Junction of Japonais Road with Pte aux Piments Mon Choisy Coast Road	

PART II – ANNUAL RENTAL

Zone	Annual Rental Per Arpent (Rs)			
	Lease granted under section 6 (1C) pursuant to section 6 (1E)	New lease granted under section 6 (1C)	New lease granted under section 6 (1C) following letter of intent issued from 5 November 2011 up to 8 November 2012	New lease granted under section 6 (1C) following letter of intent issued on or after 9 November 2012
A	600,000	800,000	1,100,000	1,147,300
B	480,000	640,000	820,000	855,260
C	420,000	560,000	680,000	709,240
D	360,000	480,000	540,000	563,220
E	300,000	400,000	425,000	443,275

1. For the purposes of this Part, the annual rental shall—
 - (a) in respect of that portion of the land which is situated within 81.21 metres from the high water mark, be as specified in the above table;
 - (b) in respect of that portion of the land which is situated beyond 81.21 metres from the high water mark, be reduced by 25 per cent.
2. The total annual rental calculated under paragraph 1 shall be reduced—
 - (a) by zero per cent, for the first 5 arpents;
 - (b) by 10 per cent, for the next 10 arpents; and
 - (c) by 20 per cent, for the remainder.

3. The annual rental calculated under paragraphs 1 (a) and (b) and 2 shall be adjusted every 3 years by reference to the cumulative inflation rate based on the Consumer Price Index during the 3-year period, which shall not exceed 15.7625 per cent in any case.

4. The annual rental calculated under paragraphs 1 (a) and (b) and 2 shall, in respect of existing lessees, 19 July 2008 be again reduced by—

- (a) 30 per cent in respect of the first year of the new lease;
- (b) 20 per cent in respect of the second year of the new lease;
- (c) 10 per cent in respect of the third year of the new lease;
- (d) 5 per cent in respect of the fourth year of the new lease after adding the adjustment calculated under paragraph 3;
- (e) zero per cent in respect of the fifth and every succeeding year of the new lease.

5. The annual rental calculated under paragraphs 1 (a) and (b) and 2 shall, in respect of new lessees, be again reduced by—

- (a) 75 per cent for the first year of the lease;
- (b) 50 per cent for the second year of the lease;
- (c) 25 per cent for the third year of the lease;
- (d) 15 per cent for the fourth year of the lease, after adding the adjustment calculated under paragraph 3; and
- (e) zero per cent for the fifth and every succeeding year of the lease.

6. In the case of a hotel on less than one hectare of land and with less than 50 bedrooms, the increase in the annual rental of the new lease over that of the previous lease shall be suspended in respect of the period 1 July 2009 to 31 December 2010.

6A. In the case of a hotel referred to in paragraph 6, the hotel, in respect of the period 1 January 2011 to 31 December 2011, shall pay the increase in the annual rental—

- (a) within the period provided for in the lease agreement; or
- (b) on or before 31 January 2012, with annual interest at the Repo rate determined by the Bank of Mauritius plus 3 per cent, calculated at time of payment.

7. The amount of indemnity for the use and occupation of the site by a hotel in respect of the period between the expiry date of the previous lease and 18 July 2008 shall be payable—

- (a) in the case of a hotel on less than one hectare of land and with less than 50 bedrooms—
 - (i) in 5 consecutive equal yearly instalments, without interest, not later than 31 January in every year, the first instalment being payable in 2011; or

(ii) in 8 consecutive equal yearly instalments, not later than 31 January in every year, the first instalment being payable in 2011, the first 5 yearly instalments being payable without interest and the last 3 yearly instalments being payable with annual interest as from 1 January 2015 at the Repo rate determined by the Bank of Mauritius plus 3 per cent, calculated at time of payment; or

(b) in the case of other hotels—

(i) in 3 consecutive equal yearly instalments, with interest at 5 per cent per annum, not later than 31 January in every year, the first instalment being payable in 2011; or

(ii) in 5 consecutive equal yearly instalments, not later than 31 January in every year, with annual interest at the Repo rate determined by the Bank of Mauritius plus 3 per cent, calculated at time of payment, the first instalment being payable in 2011.

8. Where a hotel suspends its operation for purposes of renovation or reconstruction, the annual rental shall be reduced by 50 per cent during the period of renovation or reconstruction, as the case may be, calculated on a pro rata basis, provided that—

(a) the hotel had opted for a lease granted under section 6 (1C) pursuant to section 6 (1E);

(b) the renovation or reconstruction starts at any time during the period 1 January 2013 to 30 June 2018;

(c) the employment and period of service of all the employees of the hotel in respect of the period of renovation or reconstruction are safeguarded and preserved by the hotel; and

(d) the reduction of the annual rental shall not exceed a period of 12 months.

9. Where a hotel had opted for a lease granted under section 6 (1C) pursuant to section 6 (1E) and has, in respect of the period ended 31 July 2012, not paid or underpaid its accrued rental, the unpaid rental may be payable in 3 consecutive equal yearly instalments, not later than 31 January, with interest at 7.9 per cent per annum, calculated as from 1 August 2012, the first instalment being payable in 2013, provided that—

(a) in respect of its accounting period ending at any time during 2012, the hotel—

(i) has incurred a loss or its profit does not exceed 5 per cent of its turnover; and

(ii) has not declared any dividends; and

(b) the hotel undertakes in writing to the Ministry that it will not declare any dividends during the period 1 January 2013 to 31 January 2015.

PART III – ANNUAL RENTAL

1. Where the land is situated outside the zone referred to in section 6 (1C) (b) (i), the annual rental shall be calculated—

(a) in the case of existing lessees at the commencement of section 6 (1C), at the rate of 3 per cent of the market value of the land; or

- (b) in the case of new lessees, at the rate of 4 per cent of the market value of the land; and
- (c) after taking into account the reduction and adjustment referred to in paragraphs 2, 3, 4 and 5 of Part II.

2. The market value under paragraph 1 shall be determined by the Chief Government Valuer who, for that purpose, shall keep and maintain a valuation database in the manner referred to in section 28 (7A) and (7B) of the Land (Duties and Taxes) Act.

PART IV – ANNUAL RENTAL IN RESPECT OF ISLETS AND OTHER STATE LANDS

1. Notwithstanding Part II and Part III, the annual rental in respect of islets and other State lands under restricted development shall be calculated in accordance with—

- (a) the table set out in Part II; or
- (b) paragraph 1 (a) or (b) and (c) of Part III,

as the case may be, but subject to adjustment and reduction in accordance with the following table—

Adjustment and Reduction of Rentals

Maximum plot coverage possible percentage	Annual rental payable (percentage of normal rental)
0 < 5	40
5 < 10	50
10 < 15	60
15 < 20	75

2. With regard to eco-tourism projects in inland areas, a further reduction of annual rental by 5 per cent shall be applicable where the height of the building on the land does not exceed 7.5 metres.

3. (a) The annual rental payable specified in paragraph 1 shall not apply unless a site is held by virtue of a lease for industrial or commercial purposes and the said lease is in respect of only that site.

(b) In paragraph (a)—

“site” means a site where the maximum plot coverage is less than 20 per cent.

[Second Sch. added by s. 33 (f) of Act 18 of 2008 w.e.f. 19 July 2008; amended by s 40 (b) of Act 14 of 2009 w.e.f. 30 July 2009; GN 59 of 2011 w.e.f. 16 April 2011; GN 204 of 2011 w.e.f. 3 December 2011; s. 16 of Act 37 of 2011 w.e.f. 15 December 2011; s. 24 (b) of Act 26 of 2012 w.e.f. 22 December 2012; GN 246 of 2016 w.e.f. 1 January 2015.]

continued on page S34 – 13

APPENDIX

[Paragraph 6 of the Schedule]

Serial No.	TV No.	Extent	Acquired from	Bearing No.
1	512/215	0A28	Mon Trésor and Mon Désert Ltd	6
2	"	0A60 1/4	"	10
3	"	0A11	"	10 bis
4	"	0A31	"	19 bis
5	"	0A21	"	19 ter
6	"	0A34	"	20
7	"	0A34	"	21 bis
8	"	0A22	"	23 bis
9	"	0A37	"	26
10	"	0A05	"	26 bis
11	"	0A08 1/2	"	26 ter
12	"	0A21	"	28
13	"	0A17 1/2	"	29 bis
14	"	0A12	"	29 ter
15	"	0A34	"	30
16	"	1A96	"	30 bis
17	"	2A40	"	30 ter
18	"	0A33 1/2	"	32
19	"	0A06 1/2	"	34 bis
20	"	0A09	"	35
21	"	0A08	"	35 bis
22	"	0A12 1/4	"	35 ter
23	"	0A11 3/4	"	35 quarter
24	"	0A13	"	42 bis
25	"	0A12 1/2	"	43
26	"	0A12	"	43 bis
27	"	0A18	"	48 bis
28	"	0A12 1/2	"	50 bis
29	"	0A10 1/2	"	66
30	"	0A12	"	68
31	"	0A44 1/2	"	70
32	"	0A08	"	70 bis
33	"	0A08	"	70 ter
34	"	0A08	"	70 quarter
35	"	0A11 1/2	"	70 quinter
36	"	0A26 1/2	"	73
37	"	6A50	"	74

APPENDIX—continued

Serial No.	TV No.	Extent	Acquired from	Bearing No.
38	"	0A13	Mon Trésor and Mon Désert Ltd	77
39	"	5A97	"	80
40	"	0A29	"	81 bis
41	"	0A03	"	84
42	"	0A33	"	88
43	"	0A21 1/2	"	92
44	"	0A13	"	99
45	"	0A33 1/2	"	105
46	"	0A37 1/2	"	105 bis
47	"	0A13	"	105 ter
48	"	0A31	"	105 quarter
49	"	0A08	"	105 quinter
50	"	0A10	"	106 bis
51	"	0A56	"	110
52	"	0A55	"	112
53	"	3A35	"	113 bis 114 bis 115 bis
54	"	1A09	"	414
55	"	1A92	"	412
56	"	1A92	"	411
57	"	4A29	"	410
58	"	11A76	"	329 bis
59	"	11A35	"	327 bis
60	"	8A11	"	330 bis
61	"	8A60	"	334
62	"	8A70	"	413
63	"	8A70	"	336
64	"	8A60	"	333
65	"	8A12	"	330
66	"	4A17	"	327
67	"	11A41	"	325-326
68	"	8A13	"	329
69	"	8A55	"	331-332
70	"	7A91	"	242
71	"	4A60	"	192
72	"	9A84	"	241
73	"	9A80	"	160

APPENDIX—continued

Serial No.	TV No.	Extent	Acquired from	Bearing No.
74	"	13A00	"	193
75-76	"	0A95	Mon Trésor and Mon Désert Ltd	242 bis 242 ter
77	"	8A50	"	233
78	"	5A27	"	232
79	"	2A74	"	234
80	"	18A28	"	231 bis
81	"	11A82	"	194
82-83	"	3A59	"	153 & 158
84	"	12A08	"	195
85	"	11A97	"	196
86	"	14A19	"	197
87	"	22A53	"	200
88	"	16A55	"	199
89	"	11A05	"	198
90	"	1A69	"	198 bis
91-94	"	12A44	"	431 to 434
95-97	"	17A20	"	467 to 469
98-99	"	8A57	"	285 & 289
100-103	"	8A46	"	115, 122, 126 & 128 bis
104	"	0A57	"	128
105	"	0A22	"	4 99 (Tramway Track)
106	"	0A08 4/10	"	428 bis
107	"	0A10 8/10	"	267 bis
108	"	0A11	"	429 bis
109	"	0A07	"	430 bis
110	"	0A03 8/10	"	265 bis
111	"	0A08 2/10	"	269 bis
112	"	4A98	"	116 bis
113	"	0A01	"	497
114-117	"	434A26	"	270, 271, 272, 273, 274, 275
118	"	1A51	"	498
119	519/204	2A12 A	Gopaloodoo and Ors	212
120	519/205	0A34	S Ramsalyen and Ors	4

APPENDIX—continued

Serial No.	TV No.	Extent	Acquired from	Bearing No.
121	519/202	0A20	S Padaruth	51
122	519/453	1A02	H Camiah	304
123	519/455	0A20	Mrs M D Hosany and Ors	83
124	520/130	0A11 1/2	B Bhoolee	47 bis
125	521/135	0A31	D Gopaul	8
126	521/247	1A25	S Gungah and Ors	132E
127	521/248	0A39	Dme R Oogar and Ors	97
128	521/249	1A26 1/4	S Gungah	257
129	521/483	2A27	D Nothoo	409
130	522/199	1A63	R Gujadhur	425
131	522/200	1A00	R Gujadhur	424
132	522/201	1A00	R Gujadhur	423
133	522/202	1A00	R Beecary and Ors	447
134	525/43	0A12	C Ramsaha and Ors	40
135	525/44	0A13	B Mahabootah	50
		0A11		
136-138	526/113	0A61 1/2	C Auckloo and Ors	12, 22, 61
		1A10		
139	526/110	1A02	A Apaya	226
140	526/111	0A08 1/2	S Ramjaun and Ors	458
141	526/112	0A48	C Ramburrun and Ors	59, 36
142-143	528/30	0A08 1/2	Ww A Nunkoo	94
		0A34 1/2		
144-145	529/498	1A23	P Loolmahomed and Ors	149, 461,
		0A17		461 bis
		35/100		
146	529/354	0A13	Ww Gungabissoon	9
147	529/355	0A09	S Gooljar and Ors	53
148	529/356	0A13 1/2	S Neerputh	64
149	529/499	0A34 1/2	S G Soolmahomed	125
150	529/500	0A17	J Jugoo	106
151	530/611	1A62	A L Seelamuthally	324
152	530/612	0A15	M T Noordally	96
153	531/375	1A07	Ww G Venkiah	427
154	531/376	0A87	A G Emambocus	474
155	532/668	1A50	Ww H Gunpoteeah and Ors	443
156	532/669	0A76	L Dawookhee and Co	21

APPENDIX—continued

Serial No.	TV No.	Extent	Acquired from	Bearing No.
157-159	532/670	1A63 0A64 0A24	I Modaykhan	471 473 475
160	533/74	0A50	F Madoobun	186
161	533/75	0A63 1/2	S Somma and Ors	63
162	533/76	0A54	D Gopal	185
163	533/151	0A61	L Boyjanauth and Ors	127
164-165	536/447	1A00 0A12 1/2	Ww C Chaumon	444 bis 444 ter, 453
166	539/390	1A56	Dme A D Pentiah and Ors	205
167	539/391	0A14	M Chuttooa and Ors	45
168-169	539/392	0A68 1/16 0A51 1/2	Dme Bucktowar	209 201
170	539/393	0A17 1/2	Ww M Gunpath and Ors	29
171	539/394	0A13	Ww M Gunpath and Ors	23
172	542/358	0A34	Ww M Renelle and Ors	477
173	541/347	0A64	Ww Sahaduth 397351 and Ors	124
174	541/348	0A24	S Oogur and Ors	100
175	541/349	0A08 1/2	R Rambeerick	446
176	545/503	1A81 3/8	T Goodoree and Ors	210
177	545/504	0A34	Dme R Hurry and Ors	454
178	545/505	0A09	Ww R Bhoirab and Ors	11
179	546/377	0A50	M Rumooa and Ors	442
180	546/378	0A08 1/2	B A Thajun and Ors	459
181	547/519	1A35	D S Puran and Ors	182
182	551/34	0A50	B T Hollee and Ors	310
183	551/33	0A21	B A Jangur	451
184	555/516	0A95	Ww I Emamdee	178, 179
185	556/391	1A17	Plaine Magnien Mosque	236
186	567/20	0A47	Ww Gunpoteea	441
187	567/21	0A12 1/2	L Boodhub	463
188	567/22 51/100	0A60	M Punchoo and Ors	457
189	606/37	1A34	Tirbohundas Goodooree and Ors	189
190	615/66	0A14	Sungkur Ramlall and Ors	95

APPENDIX—*continued*

Serial No.	TV No.	Extent	Acquired from	Bearing No.
191	616/50	0A15	Dme Purtab Rungoo and Ors	54
192	633/188 35/100	0A17	A M Moheerally and Ors	462
193	689/106	1A54	P Boyjonauth	165
194	689/105	0A12	A Mootoosamy	69
195	689/107	0A11 1/2	A Heerah	466
196	678/102	0A96	M I Cowder	313
197	676/145	0A03 0A04	Ww S Seegobin and Ors	436, 465
