

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 1 of 1929.

AN ORDINANCE

**To provide for the Recovery of Possession of Lands
upon the determination of leases.**

BE it ordained by the Governor-General of the Commonwealth of Australia with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909, and the *Seat of Government (Administration) Act* 1910, as follows:—

1. This Ordinance may be cited as the *Recovery of Lands Ordinance* 1929. Short title.

2. In this Ordinance unless the contrary intention appears— Definitions.
“ the Commission ” means the Federal Capital Commission.

3. Where the Commission may by virtue of any law or by virtue of any provision contained in a lease determine a lease, or where the Commission has a right of re-entry or forfeiture under any proviso or stipulation in a lease for a breach of any covenant or condition in a lease, the Commission may determine the lease by notice in writing, in accordance with Form A in the Schedule to this Ordinance, served on the lessee, stating that the lease has been determined and requiring the lessee to deliver up possession of the land to the Commission. Method of determining leases.

4. If, after a lease has been determined in pursuance of the last preceding section or otherwise, the lessee or any person apparently in occupation or possession of the land fails to deliver up possession thereof to the Commission within the time within which in the notice determining the lease, or, where the lease has been otherwise determined, in a notice in accordance with Form B in the Schedule to this Ordinance, served on the lessee, the lessee is required to deliver up possession of the land, any magistrate sitting as a Court of Petty Sessions having jurisdiction in the Territory, may, on the application of the Commission, or of any person acting in that behalf for the Commission, if in his opinion the lease has been lawfully determined, issue a warrant, in accordance with Form C in the Schedule to this Ordinance, authorizing any member of the Police Force, within a period of not more than thirty days after the date of the warrant, to enter on the land by force and with such assistance as is necessary and deliver possession thereof to the Commission. Warrant of ejectment.

46.—PRICE 3D.

Notice of intention to apply for a warrant of ejectment.

5. Notice, in accordance with Form D in the Schedule to this Ordinance, of the intention of the Commission or of any person acting in that behalf for the Commission, to make an application for a warrant in pursuance of the last preceding section, shall be served on the lessee not less than seven days before the time stated in the notice as the time at which the application may be made.

Incorporation of intention to apply for warrant with notice of determination.

6. The notice of intention to make an application for a warrant may be incorporated with the notice of determination of the lease, or the notice requiring the lessee to deliver up possession of the land, as the case requires.

Notice to be left with Clerk of Court.

7. The notice of the intention of the Commission to make an application for a warrant or a copy thereof, with an affidavit of service, in accordance with Form E in the Schedule to this Ordinance duly completed endorsed thereon, shall be left with the Clerk of the Court before the date upon which the application is to be made, and the application shall be included in the list of matters to be dealt with by the court upon that day.

Service of notice.

8. Service of any notice under this Ordinance shall be deemed to have been duly effected if the notice or a true copy thereof is—

- (a) delivered to the lessee personally;
- (b) delivered to a person apparently over the age of sixteen years, on, and apparently an occupant of, the land the subject of the lease;
- (c) affixed in a prominent position on the land the subject of the lease; or
- (d) posted by prepaid registered post addressed to the lessee at his last known place of abode.

Proof of service of notice.

9. Service of any notice under this Ordinance may be proved by affidavit endorsed upon the notice or a copy thereof.

Notice by Commission.

10. Any notice that may be given by the Commission under this Ordinance shall be deemed to be a notice by the Commission if it is signed for and on behalf of the Commission.

Certificate of Commission as to determination of lease to be evidence.

11. A certificate under the seal of the Commission stating that a lease has been determined shall be evidence of the determination of the lease.

THE SCHEDULE.

Form A.

S.3.

THE TERRITORY FOR THE SEAT OF GOVERNMENT. FEDERAL CAPITAL COMMISSION.

Recovery of Lands Ordinance 1929.

NOTICE OF DETERMINATION OF LEASE AND OF APPLICATION TO A COURT OF PETTY SESSIONS FOR A WARRANT.

To _____ of _____
Take notice that your lease of that piece or parcel of land known as _____ has been determined by the Federal Capital Commission in pursuance of the provisions of Section 3 of the *Recovery of Lands Ordinance 1929*, by reason of (a)

(a) State grounds of determination.

You are therefore hereby required to deliver up to the Commission possession of the land the subject of the said lease on or before the day of _____ 19__.

(b) (And take further notice that if possession of the said land is not delivered up to the Commission on or before the said day of 19 , application will be made to the Court of Petty Sessions at at the hour of noon on the said day or as soon thereafter as may be for the issue of a warrant under section 4 of the said Ordinance authorizing entry to be made upon the said land and possession to be given to the Commission.)

(b) Omit this paragraph if it is not desired to give the notice contained therein concurrently with the notification of determination of the lease.

Dated this day of 19 .
For and on behalf of the Federal Capital Commission.

Form B.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.
FEDERAL CAPITAL COMMISSION.
Recovery of Lands Ordinance 1929.

S.4.

NOTICE REQUIRING LESSEE TO DELIVER UP POSSESSION OF LEASED LAND.

To of
Take notice that your lease of that piece or parcel of land known as having been determined you are hereby required to deliver up to the Federal Capital Commission possession of the land the subject of the said lease on or before the day of 19 .

(a) (And take further notice that if possession of the said land is not delivered up to the Commission on or before the said day of 19 , application will be made to the Court of Petty Sessions at at the hour of noon on the said day or as soon thereafter as may be for the issue of a warrant under section 4 of the *Recovery of Lands Ordinance 1929*, authorizing entry to be made upon the said land and possession to be given to the Commission.)

(a) Omit this paragraph if it is not desired to give the notice contained therein concurrently with the notice requiring delivery up of possession.

Dated this day of 19 .
For and on behalf of the Federal Capital Commission.

Form C.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.
Recovery of Lands Ordinance 1929.

S.4.

In the Court of Petty Sessions at

WARRANT TO ENTER AND GIVE POSSESSION TO THE FEDERAL CAPITAL COMMISSION.

Whereas (hereinafter called the lessee)
was a lessee from the Federal Capital Commission of that piece or parcel of land situated at
and known as

And whereas—

(a)
and the said lease was accordingly determined (or
and the said Commission determined the said lease) And whereas after the determination of the said lease the said lessee failed after notice given in accordance with law by or on behalf of the Commission to deliver up possession of the said land And whereas application to the Court of Petty Sessions at has this day been made before me a Magistrate for the issue of a warrant authorizing a member of the Police Force of the Territory for the Seat of Government within a period not more than thirty days after the date hereof to enter on the said land by force and with such assistance as is necessary and deliver possession thereof to the Federal Capital Commission: And whereas the above recited grounds for such application have been duly proved to the satisfaction of the said Court.

(a) State grounds of determination of lease.

NOW therefore this Court of Petty Sessions doth hereby under the powers conferred by the *Recovery of Lands Ordinance 1929* authorize and command you on any day (except on Sunday) between the hours of nine o'clock in the forenoon and four o'clock on the afternoon within a period of days next after the date of this warrant to enter on the said land by force

and with such assistance as is necessary and deliver possession thereof to the Federal Capital Commission and for so doing this shall be your warrant.

Given under my hand this _____ day of _____ 19 ____
Magistrate sitting as Court of Petty Sessions.

To _____ of _____

Form D.

9.5.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

FEDERAL CAPITAL COMMISSION.

Recovery of Lands Ordinance 1929.

NOTICE OF INTENTION TO MAKE APPLICATION FOR WARRANT OF ENTRY.

To _____ of _____

(a) Omit if unnecessary.

Whereas your lease of that piece or parcel of land known as _____ has been determined (a) (by the Federal Capital Commission) And whereas you have failed pursuant to notice given in accordance with the *Recovery of Lands Ordinance 1929* to deliver up possession of the said land on or before the _____ day of _____ 19____ Now therefore take notice that if possession of the said land is not delivered up to the Commission on or before the _____ day of _____ 19____ application will be made to the Court of Petty Sessions at _____ at the hour of _____ in the _____ noon on the said day or as soon thereafter as may be for the issue of a warrant under section 4 of the said Ordinance authorizing entry to be made upon the said land and possession to be given to the Commission

Dated this _____ day of _____ 19 ____
For and on behalf of the Federal Capital Commission.

FORM E.

9.7.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

FEDERAL CAPITAL COMMISSION.

Recovery of Lands Ordinance 1929.

In the Court of Petty Sessions

AFFIDAVIT OF SERVICE.

I _____ of _____
make oath and say that I served the within named lessee with a true copy
of the within notice by:—

- (a) delivering the said copy to the lessee personally;
- (b) delivering the said copy to a person apparently over the age of sixteen and apparently an occupant of the land the subject of the within mentioned lease;
- (c) affixing the said copy in a prominent position on the land the subject of the within mentioned lease;
- (d) enclosing the said copy in an envelope addressed as follows:—

and by affixing all necessary postage stamps to such envelope and paying all necessary fees for registration thereof and by posting such envelope at the Post Office at

on the _____ day of _____ 19__ at the hour of _____
o'clock in the _____ noon.
SIGNED and sworn at _____ this _____ day
of _____ 19__ before me—

Dated this thirteenth day of February, One thousand nine hundred and twenty-nine.

STONEHAVEN

Governor-General.

By His Excellency's Command,

C. L. A. ABBOTT

Minister of State for Home Affairs

By Authority: H. J. GREEN, Government Printer, Canberra.