

Statutory Instrument No. 112 of 1980

STATE LAND ACT
(Cap. 32:01)

**STATE LAND (PROCEDURE FOR ENFORCEMENT OF PAYMENT OF LEVIES
AND LOANS) REGULATIONS, 1980**

(Published on 25th August, 1980)

ARRANGEMENT OF REGULATIONS

REGULATION

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3. Interest chargeable on unpaid service levies and loans
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IN EXERCISE of the powers conferred on the Minister of Local Government and Lands by section 4D of the State Land Act, the following Regulations are hereby made —

1. These Regulations may be cited as the State Land (Procedure for Enforcement of Payment of Levies and Loans) Regulations, 1980. Citation
2. In these Regulations, unless the context otherwise requires, — Inter-pretation
“borrower” means a person to whom a loan of money or money’s worth has been granted under section 4C of the Act;
“loan” means a loan granted under section 4C of the Act;
“occupier” means a person to whom a plot of State land has been granted under section 3 of the Act;
“service levy” means a levy imposed under section 4A of the Act.
3. Where any service levy or loan granted under the Act remains unpaid after 3 months from the date fixed for the payment of such levy or loan, interest shall be chargeable at the rate of 12% per annum, calculated from the date upon which such period of 3 months has expired. Interest chargeable on unpaid service levies and loans
4. (1) A town clerk or treasurer or a district council secretary or treasurer in any town, place or area in which a grant of a plot of State land or a loan has been made to any person under section 3 or 4C of the Act shall be the collector of service levies or loans which are due and payable in accordance with the conditions of the grant. Enforcement of payment of levies and loans
(2) Where an occupier of a plot of State land fails to pay a service levy or any part thereof in respect of the land occupied by him or if a borrower fails to repay a loan granted to him after the expiration of 2 months from the time fixed for the payment of such levy or loan, the collector shall issue a written notice of demand to pay the amount stated in the notice within 14 days after service thereof.
(3) A notice issued under subregulation (2) shall be delivered or posted to the occupier or his agent at his ordinary place of residence or place of business or, if his whereabouts are unknown, to his last known address, or to the care of any person in possession or occupation of such property:

Provided that if the address of the occupier is not known and cannot with reasonable diligence be ascertained the collector shall exhibit on the noticeboard at the town, place or area office, until the final date for payment, a notice setting out the name of the occupier and the amount owing.

(4) Where an occupier or borrower makes default in payment of a service levy or loan after the expiration of the time specified in subregulation (2) the collector shall cause to be published in the Gazette and in a newspaper circulating in the area the name of such occupier or borrower and the amount of the levy or loan owing by him.

(5) The collector shall, as soon as is reasonably practicable after the publication of the name of a defaulter in accordance with subregulation (4), apply to a magistrate for a summary warrant for the recovery from such person, or from any property belonging to him wheresoever situate, of the amount of the service levy or loan owing and any interest accruing in respect thereof in accordance with regulation 3.

(6) The magistrate shall, after the expiration of 14 days from the date of receipt of the application and verification of such return, grant the warrant.

(7) A warrant granted in accordance with the provisions of this regulation shall contain every authority and be executed in all respects as if it were a writ of execution against property issued out of a magistrate's court, and the bailiff of the court in executing the warrant shall conform to such rules and make such charges as are for the time being applicable to a writ of execution of such court.

Evidence of
levies and
loan
payments
owing

5. In any proceedings to recover a service levy imposed or a loan granted the records of the authorized authority relating thereto and all entries made therein and extracts therefrom or certified copies thereof signed by the collector shall, upon production and without further evidence, be *prima facie* evidence of such an imposition or grant:

Provided that it shall be competent for the party concerned to prove the contrary.

MADE this 20th day of August, 1980.

L.M. SERETSE,
*Vice-President and
Minister of Local Government and Lands.*

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