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**CHAPTER 152****COMMONAGE****ARRANGEMENT OF SECTIONS**

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## CHAPTER 152

### COMMONAGE

#### **An Act to provide for the more beneficial use of lands held in common.**

*14 of 1896  
E.L.A.O., 1974  
27 of 1976*

*[Commencement 30th April, 1896]*

1. This Act may be cited as the Commonage Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.

“commoner” means any person who is registered as a commoner in or over any lands under this Act;

“lands held in common” includes any lands which have been granted to more than twenty people and not partitioned;

“Minister” means the Minister responsible for Commonages. *E.L.A.O., 1974.*
3. A register of commoners shall be formed and kept in each town or settlement in which any land is held in common. Such register shall be formed in the first instance by the commissioner in accordance with such rules as may be made and issued to him on the subject by the Minister, which rules the Minister is hereby empowered to make and issue. Every person residing at the settlement adjacent to any lands held in common who is in actual occupation of any portion of the land so held in common at the time when this Act comes into operation shall be entitled to be registered as a commoner in such land. Register of commoners to be formed.  
*E.L.A.O., 1974.*
4. The register formed under section 3 of this Act shall be deemed the register of commoners of the land in such settlement for the purposes of this Act. What deemed register of commoners.
5. At any time after the formation of such register every person, whether male or female above the age of eighteen years, who may claim to have the right to be registered as a commoner in such register, may, subject to the provision of this Act, apply to the commissioner to be registered in such register as a commoner. Right to be registered as a commoner.  
*27 of 1976, s. 2.*

Application, how dealt with.

**6.** (1) Where any person applies to the commissioner to be registered as a commoner, the commissioner shall consider the application and may take evidence thereon. Any commoner may oppose any such application. If the commissioner is satisfied that the applicant has the right to be registered as a commoner in such lands, he shall cause the name of the applicant to be registered as such, and if not so satisfied he shall reject such application.

(2) Any person aggrieved by the decision of the commissioner shall have the right of appeal to a stipendiary and circuit magistrate.

(3) An application to be registered as a commoner may be repeated after an interval of one year.

Meetings of commoners.

**7.** The commoners may hold meetings, and all questions arising for decision at such meetings shall be decided by a majority of the commoners present at such meeting:

Provided that no resolution at any meeting shall be of any force unless there are ten commoners present at such meeting.

Annual meeting of commoners.

**8.** There shall be an annual meeting of commoners of any lands held in common on the first Monday in the month of December. At the annual meeting the commoners shall elect a chairman for the ensuing year, and such office-bearers as may be necessary. In default of their doing so, the commissioner may nominate the chairman and office-bearers.

Summoning of meetings of commoners.

**9.** Meetings of commoners may be summoned at any time by the commissioner, or by the chairman, or by five or more commoners. Public notice of any such meeting shall be given twenty-four hours before such meeting by a crier in the streets of the settlement nearest to such lands.

Non-registered persons have no interest.

**10.** No person who is not registered as a commoner shall be deemed to have any interest in the lands which are held in common.

Commoners may make rules for certain purposes.

**11.** (1) The commoners in any tract of land held in common may make rules for any or all of the following purposes, that is to say —

- (a) for the proper laying out of such lands;
- (b) for securing the fair use of such lands by the commoners amongst themselves;

- (c) for securing and maintaining a fresh water supply, and the fair use and distribution of any fresh water supply which can be obtained;
- (d) for preventing the commoners injuring or taking the produce grown by other commoners;
- (e) generally for securing the full and beneficial use of such lands for the commoners, and for protecting the industry of the commoners against trespassers and all persons improperly damaging any such land or the produce grown thereon.

(2) All such rules before coming into operation shall be laid before the Minister for approval, and the Minister may alter or amend the same.

*E. L.A.O., 1974.*

**12.** Every rule when so approved or settled by the Minister as aforesaid shall be published in the *Gazette*, and shall have the same effect as if expressed in this Act.

Rules to be published in the *Gazette*.  
*E.L.A.O., 1974.*

**13.** Every person who does not comply with the requirements of any rule shall be liable to a penalty of twenty dollars, and every such penalty may be recovered summarily at the instance of any commoner or any peace officer.

Penalty and recovery.  
*5 of 1987, s. 2.*

**14.** In any proceedings against a person for offending against the provisions of any rule under this Act, no question of title to lands shall be deemed to be raised, and the commissioner shall have full power to try and determine the issue in all such proceedings.

No question of title to lands shall be deemed to be raised by offending person.

**15.** Any person occupying any of the lands held in common who is not registered as a commoner shall be deemed to be a wilful trespasser, and may on the application of any commoner be ejected by order of the commissioner, who is hereby authorised and empowered to issue his warrant of ejectment, and cause such person to be forthwith ejected.

Who deemed wilful trespassers.

**16.** Any person ejected by warrant of the commissioner under the authority of section 15 of this Act who afterwards enters upon the land from which he has been ejected, shall be deemed to have committed an offence punishable summarily, and on conviction shall be liable to imprisonment with hard labour for three months.

Subsequent offences, how dealt with.