



Australian Capital Territory

# **Recovery of Lands Act 1929      No 1**

## **Republication No 3**

Republication date: 13 September 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 13 September 2002

Unauthorised version prepared by ACT Parliamentary Counsel's  
Office

## About this republication

### The republished law

This is a republication of the *Recovery of Lands Act 1929* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 13 September 2002. It also includes any amendment, repeal or expiry affecting the republished law to 13 September 2002.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see [Legislation Act 2001](#), section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
13 September 2002



Australian Capital Territory

# Recovery of Lands Act 1929

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Amendments incorporated to  
13 September 2002



Australian Capital Territory

# Recovery of Lands Act 1929

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An Act to provide for the recovery of possession of lands on the  
determination of leases

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**1 Name of Act**

This Act is the *Recovery of Lands Act 1929*.

**2 Application of Act**

- (1) This Act applies only in relation to Territory land.
- (2) This Act does not apply to a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1997* to which that Act applies.

**3 Method of determining leases**

If the Territory on behalf of the Commonwealth may because of any law or because of any provision contained in a lease determine a lease, or if the Territory on behalf of the Commonwealth 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 Territory on behalf of the Commonwealth may determine the lease by written notice, in accordance with form 1, served on the lessee, stating that the lease has been determined and requiring the lessee to give up possession of the land to the Territory.

**4 Warrant of ejectment**

If, after a lease has been determined under section 3 or otherwise, the lessee or any person apparently in occupation or possession of the land fails to give up possession of it to the Territory within the time within which in the notice determining the lease, or, if the lease has been otherwise determined, in a notice in accordance with form 2, served on the lessee, the lessee is required to give up possession of the land, a magistrate sitting as the Magistrates Court, may, on the application of the Minister, or of any person acting in that behalf for the Minister, if in his opinion the lease has been lawfully determined, issue a warrant, in accordance with form 3, authorising any police officer, within a period of not more than 30 days after the date

of the warrant, to enter on the land by force and with the assistance that is necessary and give possession of it to the Territory.

**5 Notice of intention to apply for a warrant of ejectment**

Notice, in accordance with form 4, of the intention of the Minister or of any person acting in that behalf for the Minister, to make an application for a warrant under section 4, shall be served on the lessee not less than 7 days before the time stated in the notice as the time when the application may be made.

**6 Incorporation of intention to apply for warrant with notice of determination**

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 give up possession of the land.

**7 Notice to be left with registrar of court**

The notice of the intention of the Minister to make an application for a warrant or a copy of it, with an affidavit of service, in accordance with form 5 duly completed endorsed on it, shall be left with the registrar of the court before the date when the application is to be made, and the application shall be included in the list of matters to be dealt with by the court on that day.

**8 Service of notice**

Service of any notice under this Act shall be deemed to have been duly effected if the notice or a true copy of it is—

- (a) given to the lessee personally; or
- (b) given to a person apparently over 16 years old, on, and apparently an occupant of, the land the subject of the lease;  
or

- (c) attached 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.

**9 Proof of service of notice**

Service of any notice under this Act may be proved by affidavit endorsed on the notice or a copy of it.

**10 Notice by Territory or Minister**

Any notice that may be given by the Territory on behalf of the Commonwealth or by the Minister under this Act shall be deemed to be a notice by the Territory on behalf of the Commonwealth or by the Minister if it is signed for and on behalf of the Territory or the Minister.

**11 Certificate of Minister about determination of lease to be evidence**

A certificate signed by the Minister, or any person the Minister directs, stating that a lease has been determined shall be evidence of the determination of the lease.

**12 Approved forms**

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

*Note* For other provisions about forms, see [Legislation Act 2001](#), s 255.

- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (4) In this Act, a reference to a form by a number is a reference to an approved form identified with the number.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

## Endnotes

3      Legislation history

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### 3      **Legislation history**

This Act was originally a Commonwealth ordinance—the *Recovery of Lands Ordinance 1929* No 1 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* A1989-21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

#### **Legislation before becoming Territory enactment**

##### **Recovery of Lands Act 1929 A1929-1**

notified 14 February 1929

commenced 14 February 1929

as amended by

##### **Recovery of Lands Ordinance 1930 Ord1930-3**

notified 27 March 1930

commenced 27 March 1930

##### **Seat of Government (Administration) Ordinance 1930 Ord1930-5**

notified 1 May 1930

commenced 1 May 1930

##### **Ordinances Revision Ordinance 1937 Ord1937-27**

notified 23 December 1937

commenced 23 December 1937

##### **Seat of Government (Designation) Ordinance 1938 Ord1938-25 (as am by Ordinances Revision Ordinance 1938 Ord1938-35 as am by Ordinances Revision Ordinance 1959 Ord1959-21 )**

notified 8 September 1938

commenced 8 September 1938

**Magistrates Court Ordinance 1985 Ord1985-67 sch pt 2**

notified 19 December 1985

commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

**Self-Government (Consequential Amendments) Ordinance 1989 Ord1989-38 pt 2 and sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

pt 2 and sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

**Legislation after becoming Territory enactment****Magistrates and Coroner's Courts (Registrar) Act 1991 A1991-44 sch 1**

notified 20 September 1991 ([Gaz 1991 No S95](#))

s 1, s 2 commenced 20 September 1991 (s 2 (1))

sch 1 commenced 25 September 1991 (s 2 (2) and [Gaz 1991 No S103](#))

**Residential Tenancies (Consequential Provisions) Act 1998 A1998-4**

notified 25 May 1998 ([Gaz 1998 No S150](#))

commenced 25 May 1998 (s 2)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 324**

notified 26 July 2001 ([Gaz 2001 No 30](#))

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 324 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

**4 Amendment history****Name of Act**

s 1 hdg

am R2 LA

s 1

am R2 LA

**Application**

s 2

om [Ord1930-5](#)

ins [Ord1989-38](#)

am [A1998-4](#)

## Endnotes

### 5 Earlier republishing

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#### Method of determining leases

s 3 am [Ord1930-5](#); [Ord1937-27](#); [Ord1989-38](#); [A2001-44](#)  
amdt 1.3585

#### Warrant of ejectment

s 4 am [Ord1930-5](#); [Ord1985-67](#); [Ord1989-38](#); [A2001-44](#)  
amdt 1.3585

#### Notice of intention to apply for a warrant of ejectment

s 5 am [Ord1937-27](#); [A2001-44](#) amdt 1.3585

#### Notice to be left with Registrar of Court

s 7 am [Ord1937-27](#); [A1991-44](#); [A2001-44](#) amdt 1.3585

#### Notice by Territory or Minister

s 10 am [Ord1937-27](#); [Ord1989-38](#)

#### Certificate of Minister about determination of lease to be evidence

s 11 am [Ord1937-27](#)

#### Approved forms

s 12 ins [A2001-44](#) amdt 1.3586  
(5)-(8) exp 12 September 2002 (s 12 (8))

#### Method of determining leases

sch am [Ord1930-3](#); [Ord1937-27](#); [Ord1985-67](#); [Ord1989-38](#)  
om [A2001-44](#) amdt 1.3587

## 5 Earlier republishing

Some earlier republishing were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republishing has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishing have also been published in printed format. These republishing are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republishing are identical.

Republishing No	Amendments to	Republishing date
1	<a href="#">A1991-44</a>	31 October 1991
2	<a href="#">A2001-44</a>	17 July 2002

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