

TRANSFER OF LAND CONTROL ORDINANCE 1951.⁽¹⁾

No. 70 of 1951.

An Ordinance to control Dealings with Land.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

Short title.

1. This Ordinance may be cited as the *Transfer of Land Control Ordinance 1951*.⁽¹⁾

Repeal.

2. The Ordinances specified in the Schedule to this Ordinance are repealed.

Land not
transferable
without
approval of
Administrator.

3.—(1.) Notwithstanding anything contained in a law in force in the Territory, a person shall not, without the approval in writing of the Administrator—

- (a) transfer or enter into any contract or agreement for the transfer of any land;
- (b) give a mortgage of any land; or
- (c) grant a lease of, or an easement, right, power or privilege over, in, or in connexion with any land.

(2.) Except as provided in the next succeeding sub-section, any transfer, contract, agreement, mortgage, lease, easement, right, power or privilege, made, entered into or granted in contravention of this section is void and of no effect.

(3.) This section does not apply to any transfer, contract, agreement, mortgage, lease, easement, right, power or privilege made, entered into or granted in contravention of this section where the Administrator in writing declares that he is satisfied that the contravention was due to inadvertence and subsequently gives his consent to the transaction in question.

(1) Particulars of this Ordinance are as follows:—

Date on which made by Cwlth. Administrator in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
13.11.1951	13.11.1951	13.11.1951 (<i>Cwlth. Gaz.</i> of 13.11.1951)

(4.) Notwithstanding anything contained in this section, this section shall not be deemed to have been contravened in any case where a person enters into a contract or agreement for the carrying out of any of the transactions mentioned in paragraph (a), (b) or (c) of sub-section (1.) of this section if the contract or agreement—

(a) is expressed to be subject to the approval of the Administrator; and

(b) provides that, unless and until that approval is given, the contract or agreement shall have no force or effect.

4. The approval of the Administrator to any transaction mentioned in the last preceding section shall not, unless the consent in writing of the Minister be first obtained, be given under this Ordinance where, in the opinion of the Administrator, the result or effect of the transaction would be—

Approvals
requiring
Ministerial
consent.

(a) that a person would have a legal or equitable interest of any kind in land in the Territory which land is in the opinion of the Administrator of a value of more than Two hundred and fifty thousand pounds; or

(b) that a person, having an interest referred to in the last preceding paragraph, would acquire an additional interest in land.

THE SCHEDULE.

Sec. 2.

ORDINANCES OF THE TERRITORY OF NEW GUINEA.

Transfer of Land Control Ordinance 1924.(2)

Transfer of Land Control Ordinance (No. 2) 1924.(2)

Transfer of Land Control Ordinance 1927.(2)

Transfer of Land Control Ordinance 1928.(2)

Transfer of Land Control Ordinance 1930.(2)

(2) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. III., on pp. 2889-2890.