

CHAPTER 32:04
RAILWAY LAND
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Vesting certain areas in the National Railways of Zimbabwe
4. President may give notice to Company to retransfer should land no longer be required for railway purposes

Schedule

Proc. 19, 1908,
Cap. 91, 1948,
Cap. 113, 1959,
HMC Order 1, 1963,
L.N. 84, 1966,
Act 42, 1971.

An Act to give effect to an agreement between the National Railways of Zimbabwe (formerly known as the Rhodesia Railways, Ltd.) and Khama, Chief of the Bamangwato Tribe, and to enable the Railway to obtain registered title of certain land.

[Date of Commencement: 11th March, 1908]

1. Short title

This Act may be cited as the Railway Land Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"**Company**" means the National Railways of Zimbabwe (formerly known as the Rhodesia Railways Limited); and

"**railway purposes**" means any purposes connected with the construction, maintenance or working of a railway and includes the obtaining of a supply of water for the use of a railway or any locomotive engine or rolling stock used upon or in connection with a railway.

3. Vesting certain areas in the National Railways of Zimbabwe

The areas of land which, prior to 11th March, 1908, were the property of Chief Khama and are more particularly described in the Schedule and delineated on diagrams signed by the Chief in the year 1898 in the presence of the Assistant Commissioner at Palapye and filed in the Office of the President, shall from and after 11th March, 1908, be transferred to and vested in the Company for railway purposes, and the officer charged with the duty of registering titles to land within Botswana shall, notwithstanding anything contained in any law or regulation in force in Botswana relative to registration of title to land, cause the said areas to be transferred in his register into the name of the Company, subject however to the payment of transfer duty, stamp duty and other registration charges payable under the laws of Botswana on transfers or registration of title to land, and subject also to the provisions of section 4.

4. President may give notice to Company to retransfer should land no longer be required for railway purposes

If at any time the Company or its successor ceases to hold for railway purposes any portion of either of the said areas the President may give notice to the Company or its successor to re-transfer according to law within the time fixed by such notice, any such portion to the Chief or his successor, and to pay any transfer, stamp duty or other registration charges payable under the laws of Botswana on transfers or registration of title to land; and if the

Company or its successor defaults in complying with such notice, the registration officer aforesaid shall upon the certificate of the President that such notice has not been complied with, transfer any such portion to the Chief and recover from the Company or its successor by action in a competent court, the transfer duty, stamp duty or registration charges which are payable by a transferee of title to land under the laws of Botswana, but which in accordance with this section are made payable by the transferor.

SCHEDULE

1. An area situate on either side of the hundred yards railway-strip at Palapye Siding in extent fifty-eight morgen and four hundred and forty-four square roods as at present indicated by beacons on the ground.

2. An area situate on either side of the hundred yards railway-strip at Mahalapye Station in extent seventy-one morgen and four hundred and seventy-six square roods as at present indicated by beacons on the ground.