

Unvalidated References:

Summary Ejectment Act 1952

District Courts Act 1963

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 202.

Summary Ejection Regulation 1952

ARRANGEMENT OF SECTIONS.

1. Complaint or summons.
2. Warrants.
3. Form of bond.

SCHEDULE 1

Summary Ejection Regulation 1952

MADE under the *Summary Ejection Act 1952*.

Dated 200 .

1. COMPLAINT OR SUMMONS.

A complaint or a summons under the Act shall be in accordance with a form of complaint or a form of summons prescribed under the *District Courts Act 1963*.

2. WARRANTS.

1. (1) A warrant under Section 3(3), 4(6), 5(3) or 6(2) of the Act shall be in Form 1.
- (2) A warrant under Section 5(1) of the Act shall be in Form 2.

3. FORM OF BOND.

1. (1) A bond under Section 11 of the Act shall be in Form 3.
- (2) The memorandum to be on or annexed to a bond under Section 11(3) of the Act shall be in Form 4.

SCHEDULE 1

PAPUA NEW GUINEA.

Summary Ejection Act 1952.

***Form 1 – WARRANT TO MEMBER OF THE POLICE FORCE TO ENTER
AND GIVE POSSESSION.***

Act, Secs. 3(3), 4(6), 5(3), 6(2). Form 1.Reg., Sec. 2(1).

In the District Court at—

To, . . . , a member of the Police Force.

Whereas (*set out the complaint, etc.*).

You are therefore directed on any day within . . . days from the date of this warrant (*or immediately or on or before . . . 20.*), between 9 a.m. and 4 p.m. on any day to enter, by force if necessary and with or without the aid of (*name of landlord or owner*) or any other person whom you may think necessary to call to your assistance, into and upon the premises the subject of the complaint and to eject any person, and deliver full and peaceable possession of the premises to (*name of landlord or owner*).

Dated . . . 20...

By the Court
or
Magistrate.

PAPUA NEW GUINEA.

Summary Ejection Act 1952.

***Form 2 – WARRANT TO MEMBER OF THE POLICE FORCE TO ENTER
AND INSPECT.***

Act, Sec. 5(1). Form 2.Reg., Sec. 2(2).

In the District Court at—

To . . . , a Member of the Police Force.

Whereas it has been proved to the Court that . . . , a tenant holding (*describe premises*) at a tenement under a demise or an agreement is in arrears for two months and has deserted the premises and left them uncultivated or unoccupied so that no sufficient distress can be had to countervail the arrears of rent; You are therefore directed between 9 a.m. and 4 p.m. on any day to enter into and inspect the premises and to affix or cause to be affixed on some conspicuous part of the premises a written notice stating that on . . . 20... (not being sooner than 14 days from the affixing of the notice) you will return to inspect the premises a second time.

Dated . . . 20...

By the Court
or
Magistrate.

PAPUA NEW GUINEA.

Summary Ejectment Act 1952.

Form 3 – BOND.

Act, Sec. 11. Form 3.Reg., Sec. 3(1).

We . . . of . . . and . . . of . . . are jointly and severally bound to . . . of . . . in the sum of K. . . to be paid to . . . or his executots or administratots, for which payment we bind ourselves, and our heirs, executots and administratots, jointly, and each of us binds himself and his heirs, executots and administratots severally.

Signed, sealed and deliveted)
 on 20...)
 by)
 and)
 in the presence of)

Whereas under the *Summary Ejectment Act* the District Court at . . . on . . . 20... on hearing the matter of a complaint by . . . ordered . . . to delivet up possession (*describe the premises as in the complaint*) to the complainant on or before . . . 20... (*or issued a warrant to put the complainant into possession of (describe premises as in the complaint)*).

And Whereas at the time when the order was made (*or the warrant was issued*) . . . (*insert name of the defendant*) offered to give security to defend an action of ejectment or other appropriate action against him for recovery of possession of the premises in the National Court to be brought by or on behalf of the complainant.

And Whereas the District Court in accordance with the provisions of that Act directed that the sum of money in which the bond should be given should be the sum of K. . . and the District Court has approved . . . and . . . as two responsible persons to enter into the bond.

Now the condition of this bond is such that if the complainant or his heirs, executots or administratots fails in the action, or if he succeeds in the action and . . . or his executots or administratots, or any person on his behalf, pays to the complainant or his heirs, executots or administratots all costs of suit awarded to or recovered by the complainant, or his heirs, executots or administratots, in the action and all mesne profits of the premises accruing between the time of the making of the order (*or the issue of the warrant*) and the time when the complainant or his heirs, executots or administratots obtain possession of the premises by virtue of the action, then this bond is void.

Signed, sealed and deliveted)
 on 20...)
 by)
 and)
 in the presence of)

PAPUA NEW GUINEA.

Summary Ejectment Act 1952.

***Form 4 – MEMORANDUM TO BE WRITTEN ON OR ANNEXED TO A
BOND.***

Act, Sec. 11(3). Form 4.Reg., Sec. 3(2).

The District Court at . . . certifies that it approves the within (or annexed) bond.
Dated . . . , 20...

By the Court
or
Magistrate.

Summary Ejectment Regulation 1952