

No. 1—1941.

Land Acquisition.

AN ORDINANCE to amend the Land Acquisition Ordinance, Ch. 27. No. 10.

[18th January, 1941.]

Commencement.

1. This Ordinance may be cited as the Land Acquisition (Amendment) Ordinance, 1941, and shall be construed as one with the Land Acquisition Ordinance, hereinafter referred to as the Principal Ordinance.

Short title and construction.

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2. Section 2 of the Principal Ordinance is hereby amended by the addition of a new subsection (4) there-
to as follows:—

Section 2 of the Principal Ordinance amended.

(4) For the avoidance of doubt it is hereby declared that the expression "public purposes" in this Ordinance shall include the purpose of fulfilling any obligation of the Government, or of His Majesty's Government in the United Kingdom, under any treaty or agreement made by the Government or by His Majesty's Government, as the case may be, with the Government of any other country, territory or place, and any purpose pertaining or ancillary thereto.

3. Section 3 of the Principal Ordinance is hereby repealed and replaced by the following section:—

Section 3 of the Principal Ordinance repealed and replaced.

Power to enter land, &c.

3. Whenever it appears to the Governor in Council that any land is likely to be needed for any purposes which, in the opinion of the Governor in Council, are public purposes, a notification to that effect shall be published in the *Royal Gazette* under the hand of the Colonial Secretary and thereupon it shall be lawful for the Director of Works and Transport to do all or any of the following things, that is to say:—

(a) to enter upon and survey and take levels of any land in any locality to which the public purposes relate;

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- (b) to dig or bore into the sub-soil of such land ;
 - (c) to do all other acts necessary to ascertain whether the land is adapted to such purposes ;
 - (d) to set out the boundaries of the land intended to be taken, and the intended line of the work, if any, proposed to be made thereon ;
 - (e) to mark such levels, boundaries, and lines by placing marks and cutting trenches ;
 - (f) where otherwise the survey cannot be completed the levels taken or the boundaries or line of the work marked, to cut down and clear away any standing crop, fence, tree, or bush ;
 - (g) to set up and maintain gauges in any stream or watercourse, and have access to the same from time to time for purposes of observation ;
 - (h) to do all such other acts as may be incidental to or necessary for any of the purposes aforesaid :

Provided that the Director of Works and Transport shall not enter into any building, or into or upon any enclosed yard, court, or garden attached to a dwelling-house, unless with the consent of the occupier thereof, without previously giving such occupier at least seven days' notice in writing of his intention to do so :

Provided further that compensation shall be paid to the owner of land so entered for any actual damage or injury resulting to him by reason of such entry, such compensation in the default of agreement or arbitration to be assessed in the manner provided by section 11 hereof.

4. Subsection (1) of section 4 of the Principal Ordinance is hereby repealed and replaced by the following subsection:—

Section 4 (1)
of Principal
Ordinance
repealed and
replaced.

Director of
Works and
Transport to
post notice.

4. (1) When the Director of Works and Transport shall have entered on any land under the powers in the last preceding section contained, with the intention of appropriating and taking the same or any part thereof for public purposes, he shall cause such lands to be marked out and a notice to be posted in some conspicuous part of such lands; and such notice shall state in respect of what public purposes such land has been entered, and that claims for compensation for all interests therein may be made to the Director of Works and Transport, and such notice shall be signed by the Director of Works and Transport or person authorised as aforesaid; and the marking out of such lands and the putting up of such notice shall be conclusive evidence of the said lands having been entered with the intention of appropriating the same for public purposes.

5. Section 5 of the Principal Ordinance is hereby amended—

Section 5 of
the Principal
Ordinance
amended.

- (a) by deleting therein the words "for such public works or purposes" and substituting therefor the words "for such public purposes";
- (b) by deleting therein the words "the permanent works" and substituting therefor the words "any permanent works".

6. Section 9 of the Principal Ordinance is hereby amended by deleting therein the words "for any public work" and substituting therefor the words "for public purposes".

Section 9 of
the Principal
Ordinance
amended.

7. Section 20 of the Principal Ordinance is hereby amended by deleting therein the word "public".

Section 20 of
the Principal
Ordinance
amended.

Section 50 (2)
of the
Principal
Ordinance
amended.

8. Subsection (2) of section 50 of the Principal Ordinance is hereby amended—

(a) by deleting the words “any public work” therein and substituting therefor the words “any work”; and

(b) by deleting the words “such public works” therein and substituting therefor the words “such work”.

Section 51 of
the Principal
Ordinance
amended.

9. Section 51 of the Principal Ordinance is hereby amended by deleting therein the words “any public work” and substituting therefor the words “public purposes”.