

No. 10—1942.

Land Acquisition (Amendment).

AN ORDINANCE to amend the Land Acquisition Ordinance, 1941.

[20th September, 1941.]

Commencement.

1. This Ordinance may be cited as the Land Acquisition (Amendment) Ordinance, 1942, and shall be construed as one with the Land Acquisition Ordinance, 1941, hereinafter referred to as the Principal Ordinance.

Short title.
Construction.
No. 14 of 1941.

2. This Ordinance shall be deemed to have come into force on the 20th of September, 1941.

Commencement.

3. Section 3 of the Principal Ordinance is hereby amended by substituting the following for paragraph (i) of the second proviso thereto—

Section 3 of
the Principal
Ordinance
amended.

(i) in so far as it relates to land the acquisition of which is subsequently deemed to be abandoned under section 7 or abandoned under section 9, as though it was compensation payable under this Ordinance for the acquisition of land ;

4. Section 10 of the Principal Ordinance is hereby amended by deleting the proviso to subsection (2) and substituting the following—

Section 10 of
the Principal
Ordinance
amended.

Provided that interest shall not be allowed under this section for any period occupied in the disposal of any issue as to the existence of, or title to, any interest in the land in respect of which the compensation is payable, being an issue between adverse claimants to compensation :

And provided further that where an unconditional offer in writing of any sum as compensation to the claimant has been made by or on behalf of the Director and has been refused by the claimant, or has not been accepted by the claimant within 30 days after date of the offer, no interest shall be allowed for any period subsequent to the date of such refusal or to the expiry of such

30 days, whichever first happens, unless the compensation awarded exceeds the amount of the offer :

And provided lastly that where the tribunal is a Judge of the Supreme Court sitting with assessors, any decision as to interest shall rest with the Judge alone.

Section 31 of
the Principal
Ordinance
amended.

5. Section 31 of the Principal Ordinance is hereby amended—

(a) by inserting a new subsection immediately after subsection (2) as follows —

(2A) the costs of any issue as to the existence of, or title to, any interest in land acquired shall not form part of the costs of proceedings taken for the determination of the compensation payable but shall be separately determined and shall be in the discretion of the Judge. No order for the payment of the whole or any part of such costs shall in any event be made by the Judge against the Director in any case where the issue is between adverse claimants to compensation.

(b) by substituting “ subsection (2) and (2A) ” for “ subsection (2) ” in subsection (3).

New section
31A of the
Principal
Ordinance.

6. The Principal Ordinance is hereby further amended by inserting immediately after section 31 the following—

Special provisions as to interest and costs.

Provisions as
to interest and
costs when
amount of
compensation
agreed.

31A. (1) Where the amount of any compensation under this Ordinance has been settled as between the claimant and the Director but a difference arises as to the amount of any interest which might have been awarded by a tribunal under subsection (2) of section 10 if the compensation had fallen to be determined by

that tribunal, or as to the amount of any costs payable under subsection (2) of section 31, the claimant or the Director may apply to have the matter in difference determined in accordance with the provisions of this section. Where the difference relates to the amount of interest payable, the same shall be determined according to the principles set out in subsection (2) of section 10.

(2) If the amount claimed exceeds two hundred and forty dollars, the application shall be by summons in Chambers before a Judge of the Supreme Court.

(3) If the amount claimed does not exceed two hundred and forty dollars, the application shall be by action in a Petty Civil Court having jurisdiction in the area in which the land acquired, or any part thereof, is situate.

7. Section 40 of the Principal Ordinance is hereby amended by substituting the following for subsection (1)—

Section 40 of
the Principal
Ordinance
amended.

(1) All compensation awarded by a tribunal under this Ordinance, and all compensation agreed between the claimant and the Director, shall, unless the compensation is determined under section 16, bear interest at the rate of six per centum per annum from the date of the award or agreement, as the case may be, until payment to the claimant or payment into Court under the provisions of subsection (3).

8. Section 41 of the Principal Ordinance is hereby amended by substituting the following for subsection (2)—

Section 41 of
the Principal
Ordinance
amended.

(2) No claim to compensation under subsection (2) of section 9 shall be admitted or entertained unless the same shall have been made in writing to the Director within twelve months after the acquisition of the land was deemed to have been abandoned under section 7 or was abandoned under section 9.