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Estate Bazaars (Compulsory Acquisition) Act, No. 19 of 1958

Date of Assent : May 9, 1958

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AN ACT TO REQUIRE AN INTENDED SALE OF THE WHOLE OR ANY PART OF AN ESTATE BAZAAR TO BE NOTIFIED BY THE PROSPECTIVE VENDOR TO THE LAND COMMISSIONER; AND TO ENABLE THE COMPULSORY ACQUISITION BY THE CROWN OF ANY ESTATE BAZAAR. AND THE IMPROVEMENT, DEVELOPMENT, LEASE, SALE OR ALIENATION OTHERWISE OF THE WHOLE OR ANY PART OF ANY SUCH BAZAAR WHICH IS ACQUIRED BY THE CROWN.

[Date of Assent: May 9, 1958]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Estate Bazaars (Compulsory Acquisition) Act, No. 19 of 1958.

Short title.

2. (1) An intended sale of the whole or any part of an estate bazaar shall be notified in writing to the Land Commissioner by the prospective vendor at least three months before the date of such sale. Where the intended sale is in execution of the decree of a court, the judgment-creditor shall be deemed to be the prospective vendor for the purposes of this sub-section.

Intended sale of the whole or any part of any estate bazaar to be notified to the Land Commissioner.

(2) A sale of the whole or any part of an estate bazaar without compliance with the provisions of sub-section (1) shall be null and void.

(3) This section shall not apply in cases where prior to the coming into force of this Act,—

(a) a contract has been entered into between the proprietor of an estate and the purchaser of a building in the bazaar area of that estate to purchase such building, and

(b) not less than ten per centum of the purchase price for such purchase has already been paid.

3. (1) The Minister may decide that any estate bazaar shall be acquired by the Crown in the public interest. Where the Minister so decides, the decision shall be published in the *Gazette*.

Compulsory acquisition of estate bazaars.

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 Act, No. 19 of 1958

(2) Where a decision of the Minister under sub-section (1) is published in the *Gazette*, the estate bazaar to which that decision relates shall, for the purpose of the application of the Land Acquisition Act, No. 9 of 1950, be deemed to be land required for a public purpose and may accordingly be acquired under that Act.

Modification of
Land Acquisition
Act, No. 9 of
1950, in its
application
to acquisition
of an estate
bazaar.

4. The Land Acquisition Act, No. 9 of 1950, shall, in its application for the purpose of the acquisition of any estate bazaar, have effect—

- (1) as if section 41 of that Act were not in force;
- (2) as if for section 42 of that Act there were substituted the following section:—

“ Assessment of
compensation.

42. The amount of compensation to be paid under this Act to any person interested in a land shall—

(a) where the annual value of that land is assessed for the purposes of any rates levied by any local authority under any written law, be equal to ten times the annual value of that land as assessed for the rates payable for the year preceding that in which the decision to acquire that land under this Act was published in the *Gazette*, and

(b) where the annual value of that land has not been assessed for the purposes of any rates so levied, be equal to ten times the reasonable annual rental value of that land as determined by the acquiring officer,

and shall be proportionate to his interest in that land. No additional compensation shall be allowed to him in consideration of the compulsory nature of the acquisition.”; and

- (3) as if section 43 and section 44 of that Act were not in force.

5. (1) Where an Order under section 36 of the Land Acquisition Act, No. 9 of 1950, in respect of an estate bazaar is published in the *Gazette*, and possession of that bazaar has been taken for and on behalf of Her Majesty, a competent authority may, subject to such directions as may be given by the Minister under sub-section (3), demolish, construct or reconstruct any buildings in, and otherwise improve or develop, that bazaar, and lease or sell, or alienate under a rent-purchase scheme, the whole or any part of that bazaar, notwithstanding anything to the contrary in the Crown Lands Ordinance, No. 8 of 1947.

Subject to directions of the Minister, competent authority to improve, develop, or dispose of property acquired in pursuance of this Act.

(2) An instrument of disposition whereby the whole or any part of any such estate bazaar as has become Crown property is leased, sold or otherwise alienated shall be signed and executed by a competent authority, notwithstanding anything to the contrary in the Crown Lands Ordinance, No. 8 of 1947.

(3) The Minister may give general or special directions to a competent authority in regard to the exercise of the powers of such competent authority under sub-section (1).

6. In this Act, unless the context otherwise requires,—

Interpretation.

“competent authority” means any officer appointed as a competent authority for the purposes of this Act by the Minister by notification published in the *Gazette*;

“estate” means any land or group of lands, whether cultivated or uncultivated, which is not less than twenty acres in extent and which forms a separate and distinct property, but does not include any property an application for the transfer of ownership of which has been made under section 11 of the Tea and Rubber Estates (Control of Fragmentation) Act, No. 2 of 1958;

“estate bazaar” means a land on which there are contiguous shops or commercial buildings and which abuts on a road belonging to, or passing through, or forming a boundary or part of a boundary of, an estate, and includes such shops or buildings; and

“local authority” means any Municipal Council, Urban Council, Town Council or Village Committee.