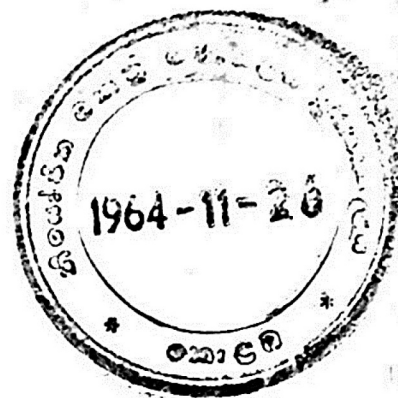


PARLIAMENT OF CEYLON

5th Session 1964-65



Land Acquisition (Amendment) Act, No. 28 of 1964

Date of Assent: November 12, 1964

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of 1964*

L. D.—CF. 1/58.

AN ACT TO AMEND THE LAND ACQUISITION ACT AND TO
PROVIDE FOR THE DISMISSAL OF CERTAIN APPEALS
PREFERRED UNDER THAT ACT.

[Date of Assent: November 12, 1964]

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 Land Acquisition (Amendment) Act, No. 28 of 1964. Short title.

2. Section 4 of the Land Acquisition Act, hereinafter referred to as the "principal Act", is hereby amended as follows:— Amendment of
section 4 of
Chapter 460.

(1) in sub-section (3) of that section, by the substitution in paragraph (c) of that sub-section, for the expression 'Permanent Secretary; and', of the expression 'Permanent Secretary to such Ministry as shall be specified in the notice (hereafter in this section referred to as the "appropriate Permanent Secretary")'; and';

(2) in sub-section (4) of that section, by the substitution,—

(a) for the expression "Permanent Secretary" wherever it occurs in that sub-section, of the expression "appropriate Permanent Secretary"; and

(b) for the expression 'the Minister.', of the expression 'the Minister in charge of the Ministry specified in the notice (hereafter in this section referred to as the "appropriate Minister")', and such Minister shall, after considering such recommendations, make his own recommendations on the objections to the Minister.'; and

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- (3) in sub-section (5) of that section, by the substitution, for the expression "Permanent Secretary's", of the expression "appropriate Minister's".

Insertion of
new section 4A
in the principal
Act.

3. The following new section is hereby inserted immediately after section 4, and shall have effect as section 4A, of the principal Act:—

" Special
provision
to nullify
disposal
of, and to
prevent
damage to,
land in
respect of
which a
notice has
been issued
or exhibited
under section
2 or section 4.

4A. (1) Where a notice has been issued or exhibited in respect of any land under section 2 or section 4, no owner of that land shall, during the period of twelve months after the date of the issue or exhibition of such notice,—

(a) sell or otherwise dispose of that land; or

(b) do any act which, directly or indirectly, depreciates the value of that land as at the date of such issue or exhibition.

(2) Any sale or other disposal of land in contravention of the provisions of sub-section (1) (a) of this section shall be null and void.

(3) Any person who contravenes the provisions of sub-section (1) (b) of this section shall be guilty of an offence punishable with a fine not exceeding one thousand rupees. "

Amendment of
section 8 of
the principal
Act.

4. Section 8 of the principal Act is hereby amended by the substitution, for the words " thereof as co-owner, mortgagee, tenant or otherwise, ", of the word " thereof, ".

Amendment of
section 9 of
the principal
Act.

5. Section 9 of the principal Act is hereby amended by the insertion, immediately after sub-section (2) of that section, of the following new sub-section:—

" (2A) Where any inquiry under sub-section (1) which has been adjourned cannot be resumed on the date notified under sub-section (2) to such of the claimants for compensation and their agents as were present on the occasion on which the inquiry was adjourned, the acquiring officer holding the inquiry may from time to time postpone the date of its

resumption. Notice of the date to which the resumption of the inquiry is postponed and the time and place at which the inquiry will be resumed shall be sent by registered post to the aforesaid claimants and agents so as to reach them at least seven days before that date. ”.

6. Section 19 of the principal Act is hereby amended as follows:—

Amendment of
section 19 of
the principal
Act.

(a) in sub-section (1) of that section, by the substitution, for the word “ ten ”, of the word “ sixteen ”;

(b) in sub-section (2) of that section, by the substitution, for the word “ Five ”, of the word “ Eight ”, and for the words “ cther five ”, of the words “ other eight ”; and

(c) in sub-section (3) of that section, by the substitution, for the word “ chairman. ”, of the words “ chairman, and another member of the board to be the vice-chairman. ”.

7. Section 21 of the principal Act is hereby amended as follows:—

Amendment of
section 21 of
the principal
Act.

(a) in sub-section (2) of that section, by the substitution, for the word “ chairman,”, of the words “ chairman or vice-chairman,”;

(b) by the insertion, immediately after sub-section (3) of that section, of the following new sub-section:—

“ (3A) The chairman of the board shall preside at every ordinary meeting of the board to which he is summoned and at which he is present. The vice-chairman of the board shall preside at every ordinary meeting of the board to which he is summoned and at which he is present. In the absence of the chairman or vice-chairman of the board from any ordinary meeting to which he is summoned, the members of the board summoned to and present at that meeting shall choose from among themselves a chairman for that meeting.”; and

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(c) in sub-section (4) of that section, by the substitution,—

- (i) for the words “every meeting”, of the words “every extraordinary meeting”;
- (ii) for the words “a meeting”, of the words “an extraordinary meeting”;
- (iii) for the words “board, the”, of the following:—

“board, the vice-chairman of the board shall preside at that meeting. In the absence of both the chairman and the vice-chairman of the board from an extraordinary meeting of the board, the”.

Amendment of
section 22 of
the principal
Act.

8. Section 22 of the principal Act is hereby amended as follows:—

- (1) in sub-section (1) of that section, by the addition, at the end of that sub-section, of the following:—

“Provided that—

(a) where, before such person prefers an appeal against such award, the whole or any part of the compensation allowed to him by such award is tendered to him by the acquiring officer and he does not decline to receive the amount so tendered, he shall not have the right to prefer an appeal against such award, and

(b) where, after he has preferred an appeal against such award and before such appeal is decided by the board, the whole or any part of such compensation is tendered to him by the acquiring officer and he does not decline to receive the amount so tendered,

the board shall dismiss such appeal.”;
and

- (2) in sub-section (3) of that section, by the substitution, for "zoard", of the word "board".

9. The following new section is hereby inserted immediately after section 23, and shall have effect as section 23A, of the principal Act :—

Insertion of
new section 23A
in the principal
Act.

" Appellant to
furnish lists
of witnesses
and documents.

23A. The appellant in any appeal to the board shall furnish to the board—

- (a) a list of the witnesses he intends to call at the hearing of such appeal, and
- (b) a list of the documents he intends to produce at that hearing in support of such appeal,

before the expiry of a period of six months from the date on which such appeal was preferred to the board or, if such appeal is fixed for hearing on a date before the expiry of such period, before the date so fixed."

10. Section 29 of the principal Act is hereby amended by the substitution, for all the words and figures from "consents to receive it:", to the end of that section, of the following:—

Amendment of
section 29 of the
principal Act.

"consents to receive it:

Provided however that, where,—

- (a) the total amount of compensation payable to all the persons entitled to compensation in respect of such land, exceeds twenty-five thousand rupees, and
- (b) such land is not situated within the administrative limits of any Municipal Council, Urban Council or Town Council, and
- (c) such land does not, on the date on which the notice under section 7 is published in the *Gazette*, have on it any building which is used for any residential or business purpose,

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then, the acquiring officer shall, except where the Minister otherwise directs in the national interest, tender and make payment of compensation in the following manner:—

- (i) forthwith after the said award is made, a sum of twenty-five thousand rupees shall be divided among and paid to the persons who are entitled to compensation in respect of such land in the same proportion as that in which compensation has been apportioned among such persons in such award; and
- (ii) thereafter the balance compensation shall be divided among and paid to the said persons in the said proportion but in not more than ten equal instalments, so however that the entire balance compensation is paid before the lapse of ten years from the date of payment of the said sum of twenty-five thousand rupees:

Provided further that, where the compensation for the acquisition of any premises devoted to a purpose referred to in sub-section (2) of section 46 is assessed on the basis mentioned in that sub-section, the payment of such portion of the compensation as is equal to thirty *per centum* of the compensation shall be deferred until the persons entitled thereto have actually provided for the aforesaid purpose premises equivalent to the first-mentioned premises.”.

Amendment of
section 32 of
the principal
Act.

11. Section 32 of the principal Act is hereby amended in sub-section (2) thereof, by the substitution, for the words “which is due”, of the words “which is payable”.

Amendment of
section 33 of
the principal
Act.

12. Section 33 of the principal Act is hereby amended as follows:—

- (a) by the substitution, for the words “is awarded”, of the words “is payable”; and

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- (b) in the marginal note to that section, by the substitution, for the words "is awarded", of the words "is payable".

13. Section 35 of the principal Act is hereby amended as follows:—

Amendment of
section 35 of
the principal
Act.

- (1) by the substitution, for the word "payment.", of the word "payment: "; and
- (2) by the addition, at the end of that section, of the following proviso:—

" Provided that, where compensation is paid in pursuance of the first proviso to section 29, the rate at which interest is payable on the balance compensation referred to in paragraph (ii) of that proviso, or on any part of such balance compensation, shall be such rate as may be fixed generally in that behalf by the Secretary to the Treasury by notification published in the *Gazette*. "

14. The following new section is hereby inserted immediately after section 40, and shall have effect as section 40A, of the principal Act:—

Insertion of
new section 40A
in the principal
Act.

" Order under
section 38 to be
conclusive
evidence of
certain facts.

40A. Where an Order of the Minister under section 38 is published in the *Gazette*, then,—

(a) where that Order is in regard to the taking possession of a particular land, that Order shall, for so long only as it is not subsequently revoked under section 39, be received in all courts as conclusive evidence of the title of Her Majesty to that land; or

(b) where that Order is in regard to the subjection of a particular land to a particular servitude, that Order shall be received in all courts as conclusive evidence that such land is subject to such servitude, and that such servitude, may be utilized for the public purpose for which it was acquired. "

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Amendment
of section
44 of the
principal
Act.

15. Section 44 of the principal Act is hereby amended in sub-section (1) of that section, by the substitution, for the words "of any other", of the words "of this Act or any other".

Insertion of
new section
46A in the
principal Act.

16. (1) The following new section is hereby inserted immediately after section 46, and shall have effect as section 46A, of the principal Act:—

"Improvements
made by Crown
to be ignored
in determining
compensation
for acquisition
of land.

46A. In determining under section 46 the compensation to be paid to any person for the acquisition of any land, no account shall be taken of any improvements made on the land by the Crown whether before or after the date of commencement of this Act."

(2) The provisions of the new section 46A inserted in the principal Act by this Act shall apply in any such proceedings under the principal Act for the acquisition of any land as are pending on the date of commencement of this Act.

Insertion
of new
section
49A in
the principal
Act.

17. The following new section is hereby inserted immediately after section 49, and shall have effect as section 49A, of the principal Act:—

"Acquisition
of land for
the purposes
of a public
Corporation.

49A. (1) Where any land is required for any purpose of a public Corporation and the acquisition of such land for that purpose under this Act is not authorized by any other written law, the Minister to whom the subject of that Corporation has been assigned under section 46 of the Ceylon (Constitution) Order in Council, 1946, may, by Order published in the *Gazette*, declare that such land is so required, and upon such publication that purpose shall be deemed to be a public purpose, and the provisions of this Act shall apply accordingly to the acquisition of such land for that Corporation.

(2) For the purposes of this Section, the expression "public Corporation" means a Corporation which was, or is, established with capital wholly or partly provided by the Government."

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18. (1) Section 65 of the principal Act is hereby amended as follows:—

Amendment of
section 65 of
the principal
Act.

(a) in the definition of “ Permanent Secretary ”, by the substitution, for the word “ Minister;”, of the words “ Minister, and includes any Additional Permanent Secretary to that Ministry;”;

(b) in the definition of “ person interested ”, by the addition, at the end thereof, of the words “ but does not include a tenant on a monthly tenancy;”; and

(c) in the definition of “ acquiring officer ”, by the substitution, for the words “ Agent of ”, of the words “ Agent or Assistant Government Agent of ”.

(2) The amendment made in section 65 of the principal Act by paragraph (c) of sub-section (1) of this section shall be deemed, for all purposes, to have come into force on October 23, 1961.