LAND ACQUISITION

AN ACT TO MAKE PROVISION FOR THE ACQUISITION OF LANDS AND SERVITUDES FOR PUBLIC PURPOSES AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO SUCH PROVISION.

Act Nos,
9 of 1950
39 of 1954
22 of 1955

[9th March , 1950]

Short title

1. This Act may be cited as the Land Acquisition Act.

PART I

PRELIMINARY INVESTIGATION AND DECLARATION OF INTENDED ACQUISITION

Investigations for selecting land for public purpose.

2.

(1) Where the Minister decides that land in any area is needed for any public purpose, he may direct the acquiring officer of the district in which that area lies to cause a notice in accordance with subsection (2) to be exhibited in some conspicuous places in that area.

(2) The notice referred to in subsection (1) shall be in the Sinhala, Tamil and English languages and shall state that land in the area specified in the notice is required for a public purpose and that all or any of the acts authorized by subsection (3) may be done on any land in that area in order to investigate the suitability of that land for that public purpose.

(3) After a notice under subsection (2) is exhibited for the first time in any area, any officer authorized by the acquiring officer who has caused the exhibition of that notice, or any officer acting under the written direction of the officer authorized as aforesaid, may enter any land in that area, together with such persons, implements, materials, vehicles and animals as may be necessary, and-

(a) survey and take levels of that land,

(b) dig or bore into the subsoil of that land,

(c) set out the boundaries of that land and the intended line of any work proposed to be done on that land,

(d) mark such levels, boundaries and line by placing marks and cutting trenches,

(e) where otherwise the survey of that land cannot be completed and such levels taken and such boundaries and line marked, cut down and clear away any part of any standing crop, fence or jungle on that land, and

(f) do all other acts necessary to ascertain whether that land is suitable for the public purpose for which land in that area is required :

Provided that no officer, in the exercise of the powers conferred on him by the preceding provisions of this subsection, shall enter any occupied building or any enclosed court or garden attached thereto unless he has given the occupier of that building at least seven days' written notice of his intention to do so.

Compensation for damage done during investigations carried out on any land.

3.

(1) Where any officer empowered by subsection (3) of section 2 to enter any land causes any damage to that land or to anything thereon by doing on that land any of the acts which he may do under that subsection, he shall assess the amount of compensation for that damage and shall, if that land is owned by more than one person, determine the apportionment of that amount among the owners of that land. Such officer shall give the owner or owners of that land written notice of the amount of compensation assessed by him and of any such apportionment of that amount as may have been determined by him.

(2) If any person who is entitled to receive the whole or a portion of the amount of compensation assessed in respect of any land under subsection (1) and specified in a notice under that subsection, is dissatisfied with such amount or with the apportionment of such amount, he may, within fourteen days reckoned-

(a) where such notice is sent through the post, from the date on which such notice is received at the place to which it is so sent, or

(b) where such notice is exhibited on or near that land, from the date on which such notice is so exhibited for the first time,

make a written appeal to the acquiring officer of the district in which that land is situated against the assessment or apportionment of compensation referred to in such notice.

(3) Where an acquiring officer allows an appeal made to him under subsection (2), he shall make a fresh assessment and apportionment of compensation or shall confirm the amount of

compensation assessed under subsection (1) and make a fresh apportionment of that amount. The decision of such acquiring officer on such appeal shall be final.

(4) The officer who issues a notice under subsection (1) shall-

(a) where no appeal against the assessment or apportionment of compensation referred to in such notice is made under subsection (2) within the time allowed therefor by that subsection or where such an appeal is so made and the acquiring officer to whom the appeal is made disallows the appeal, tender to each person who is entitled to compensation according to such notice the amount of compensation allowed to him by such notice, or

(b) where such an appeal is so made and such acquiring officer allows the appeal, tender to each person who is entitled to compensation according to the decision on such appeal the amount of compensation allowed to him by such decision,

and shall pay the tendered amount to such person if he consents to receive it.

(5) Where the person to whom any sum is payable as compensation under this section is a minor or is of unsound mind or declines to accept that sum when it is tendered to him or is dead or cannot be found after diligent search, that sum shall be paid in accordance with the provisions of section 32 or section 33.

Notice of, and objections to, intended acquisition.

4. (1) Where the Minister considers that a particular land is suitable for a public purpose, or that a particular servitude over a particular land should be acquired for a public purpose, he shall direct the acquiring officer of the district in which that land is situated to cause a notice in accordance with subsection (3) to be given to the owner or owners of that land and to be exhibited in some conspicuous places on or near that land:

[2, 39 of 1954] Provided however that it shall not be necessary to give a notice under the preceding provisions of this subsection to the owner or any owner of land whose name and address cannot be found or ascertained.

(2) The Minister may issue a direction under the preceding provisions of this section notwithstanding that no notice has been exhibited as provided by section 2, and, where he issues such a direction to any acquiring officer, the provisions of subsection (3) of section 2 shall apply in regard to the land to which that direction relates in like manner as those provisions would have applied if that acquiring officer had caused a notice under section 2 to be exhibited in the area in which that land is situated.

(3) The notice referred to in subsection (1) shall-

(a) be in the Sinhala, Tamil and English languages;

(b) contain a description of the land or servitude which is intended to be acquired;

(c) state that the Government intends to acquire that land or servitude for a public purpose, and that written objections to the intended acquisition may be made to the Permanent Secretary; and

(d) specify a period within which such objections must be made, such period being not less than fourteen days from the date on which such notice is given.

[2, 39 of 1954.] (4) Where a notice relating to the intended acquisition of a land or of a servitude over a land is exhibited under subsection (1) and objections to such acquisition are made to the Permanent Secretary by any of the persons interested in the land within the time allowed therefor by the notice, the Permanent Secretary shall consider such objections or direct an officer to consider such objections on his behalf and to make recommendations to him. When such objections are considered every objector shall be given an opportunity of being heard in support thereof. After the consideration of the objections the Permanent Secretary shall make his recommendations on the objections to the Minister .

[2, 39 of 1954.] (5) When the time allowed by a notice under this section for making objections to the intended acquisition of the land or servitude referred to in the notice has expired and, where any such objections have been made within such time, after the Minister has considered the Permanent Secretary's recommendations on those objections, the Minister shall, subject to the provisions of subsection (6), decide whether that land or servitude should or should not be acquired under this Act.

[2, 39 of 1954.] (6) A decision shall not be taken under subsection (5) to acquire only a part of a building if the owner of the building desires that the whole of the building should be acquired under this Act, unless such part can be severed or demolished without serious detriment to, or seriously affecting the amenities of, the building.

For the purposes of this subsection, " building" includes land which, being necessary for the convenient use and occupation of the building, would pass by a devise of the building.

Declaration that a land or a servitude is required for a public purpose.

5.

(1) Where the Minister decides under subsection (5) of section 4 that a particular land or servitude should be acquired under this Act, he shall make a written declaration that such land or servitude is needed for a public purpose and will be acquired under this Act, and shall direct the acquiring officer of the district in which the land which is to be acquired or over which the servitude is to be acquired is situated to cause such declaration in the Sinhala, Tamil and English languages to be published in the Gazette and exhibited in some conspicuous places on or near that land.

(2) A declaration made under subsection (1) in respect of any land or servitude shall be conclusive evidence that such land or servitude is needed for a public purpose.

(3) The publication of a declaration under subsection (1) in the Gazette shall be conclusive evidence of the fact that such declaration was duly made.

Survey and plan of land.

[3, 39 of 1954]

6. When a declaration under section 5 that a particular land is needed for a public purpose has been published in the Gazette, the acquiring officer of the district in which that land is situated may, if there is no plan of that land made by the Survey Department of the Government, or no such plan which is suitable for use for the purposes of proceedings under this Act, cause a survey and a plan of that land to be made by a surveyor of that department, or by a licensed surveyor acting under the directions of the Surveyor-General.

Notice to persons interested.

7.

(1) The acquiring officer referred to in subsection (1) of section 5 shall cause a notice in accordance with subsection (2) of this section to be published in the Gazette in the Sinhala, Tamil and English languages and, where in his opinion the value of the land mentioned in the declaration made under that section exceeds five hundred rupees, in a Sinhala newspaper, a Tamil newspaper and an English newspaper circulating in Ceylon, and shall also cause that notice in those languages to be exhibited in some conspicuous places on or near that land.

(2) The notice referred to in subsection (1) shall-

(a) describe the land or servitude which is intended to be acquired ;

(b) state that it is intended to acquire such land or servitude under this Act and that claims for compensation for the acquisition of such land or servitude may be made to the acquiring officer mentioned in the notice ; and

[4, 39 of 1954]

(c) direct every person interested in the land which is to be acquired or over which the servitude is to be acquired to appear, personally or by agent duly authorized in writing, before such acquiring officer on a date and at a time and place specified in the notice (such date not being earlier than the twenty-first day after the date on which the notice is to be exhibited for the first time on or near the land), and, at least seven days before the date specified in the notice, to notify in writing under the hand of that person or any agent duly authorized as aforesaid to such acquiring officer the nature of his interests in the land, the particulars of his claim for compensation, the amount of compensation and the details of the computation of such amount:

Provided that the acquiring officer may, on good cause shown within two weeks after such notice is exhibited, extend, up to a period of twenty-eight days from the date specified in such notice, the time within which any person interested in such land is required to notify his claim for compensation to, and appear before, the acquiring officer.

[4, 39 of 1954]

(3) Notwithstanding anything in the preceding provisions of this section, any notice required by those provisions to be published in the newspapers may merely specify the land or servitude which is intended to be acquired and refer to any such Gazette as may be specified in the notice for full particulars relating to such acquisition.

[4, 39 of 1954]

(4) Where an acquiring officer who causes the publication of a notice under this section in respect of any land is satisfied that any person interested in that land is a minor or is of unsound mind and has no authorized agent to act on his behalf as provided in that notice, such officer may, either of his own motion or on application made by or on behalf of such person, authorize a fit and proper person to be such agent.

Power to require and enforce the making of statements as to persons interested.

8. An acquiring officer who causes the publication of a notice under section 7 in respect of any land may require any person interested in that land to make or deliver to him, on or before a date specified in the requisition (such date not being earlier than the fourteenth day after the date of the requisition), a statement setting out, so far as may be practicable, the name and address of every other person interested in that land or any part thereof, and the nature of the interest in that land, and any rents and profits received or receivable on account of that land for the three calendar years next preceding the date of the statement.

PART II

INQUIRY INTO CLAIMS, REFERENCE TO COURT, AND ACQUIRING OFFICER'S AWARD

Inquiry into claims for compensation.

9.

(1) Where a notice under section 7 in respect of any land is published, the acquiring officer of the district in which that land is situated shall, on the date on which and at the time and place at which persons interested in that land are directed by that notice or in accordance with the proviso to section 7 (2) (c) to appear before him, hold an inquiry into-

(a) the market value of that land or of the servitude which is to be acquired over that land ;

(b) such claims for compensation as may have been notified to him within the time allowed therefor by that notice or in accordance with the aforesaid proviso;

(c) the respective interests of the persons claiming compensation; and

(d) any other matter which needs investigation for the purpose of making an award under section 17.

(2) The acquiring officer conducting an inquiry under subsection (1) may adjourn the inquiry from time to time and may hold the inquiry at different places on different dates. On every occasion on which he adjourns such inquiry, he shall notify the date on which and the time and place at which the inquiry will be resumed to such claimants for compensation and such agents of claimants for compensation, as are present on that occasion.

(3) The acquiring officer conducting an inquiry under subsection (1) may by a summons under his hand require-

(a) any person whose evidence is, in the judgment of such acquiring officer, likely to be material to the subject-matter of the inquiry, to attend and give evidence at the inquiry on such date and at such time and place as may be mentioned in the summons, and

(b) any person to produce at the inquiry, on such date and at such time and place as may be mentioned in the summons, for examination by such acquiring officer or by any officer of the Valuation Department of the Government who is authorized in that behalf by such acquiring officer, any such document or book of accounts in the possession of that person as is, in the judgment of such acquiring officer, likely to contain such information as may be necessary to determine the interests of that person or of any other person in the land to which the inquiry relates or the amount of compensation to be paid for such interests.

(4) A summons to any person under subsection (3) shall be served on him in the same manner as is provided by the Civil Procedure Code for the service of summons in a civil suit.

(5) The examination of any witness at any inquiry under this section shall be on oath or affirmation administered by the acquiring officer holding the inquiry.

(6) An acquiring officer who holds an inquiry under this section shall make a summary of the evidence given by each witness and cause a certified copy of each document produced in evidence to be furnished.

Reference of claims and disputes to court for determination.

10.

(1) At the conclusion of an inquiry held under section 9, the acquiring officer holding the inquiry shall either-

(a) make a decision on every claim made by any person to any right, title or interest to, in or over the land which is to be acquired or over which a servitude is to be acquired and on every such dispute as may have arisen between any claimants as to any such right, title or interest, and give notice of his decision to the claimant or to each of the parties to the dispute, or

(b) refer the claim or dispute for determination as hereinafter provided.

[5, 39 of 1954] (2) A claimant whose claim is wholly or partly disallowed, or a party to a dispute which is determined, by the decision of an acquiring officer under subsection (1) may, within fourteen days of the service on him of notice of the decision, make application

to that acquiring officer for the reference of the claim or dispute, as the case may be, for determination as hereinafter provided; and that acquiring officer shall make a reference accordingly.

(3) Every reference under the preceding provisions of this section shall be made to the District Court or the Primary Court having jurisdiction over the place where the land which is to be acquired or over which a servitude is to be acquired is situated, according as the total amount of the claims for compensation for the acquisition of the land or servitude exceeds or does not exceed three hundred rupees.

(4) In every case in which a reference is made to the District Court or to the Primary Court as hereinbefore provided, the acquiring officer shall defer the making of his award under section 17 in respect of the land or servitude to which such reference relates until a determination on such reference is made by that court or, in the event of an appeal under section 14, by the Supreme Court .

(5) Where an acquiring officer makes a decision on any claim or dispute under subsection (1), and the claim or dispute is not referred for determination as provided in subsection (3), the decision shall be final.

Form of reference to court.

11. A reference which an acquiring officer may make under section 10 shall be in writing and in the form of a plaint in a civil suit. In the reference the acquiring officer shall be described as the plaintiff and the claimants for compensation shall be described as the defendants. The reference shall contain-

(a) the name of the court and the date of submitting the reference to the court;

(b) the name, designation and address of the acquiring officer;

(c) the names and addresses of the claimants for compensation;

(d) a plain and concise statement of the claim or dispute which is to be determined by the court; and

(e) a prayer for the determination of that claim or dispute.

Proceedings in court on reference.

12.

(1) The proceedings in a court on a reference made to it under section 10 shall be subject to the procedure provided by the Civil Procedure Code for civil suits.

(2) No stamp duty shall be required for any proceedings referred to in subsection (1).

(3) All such proceedings in a court as are referred to in subsection (1) shall be taken up before any other business of that court unless special circumstances of urgency in such other business render it impossible to do so.

(4) The decision of a District Court or a Primary Court on a reference made to it under section 10 shall, if no appeal against that decision is made to the Court of Appeal under section 14, be final.

Costs of proceedings in court on reference.

13.

(1) The court to which a reference is made under section 10 may award to any party to that reference an amount determined by the court as his costs of the proceedings relating to that reference.

(2) All such costs awarded to an acquiring officer under subsection (1) as are not deducted in the manner provided by section 30 may be recovered as if they were costs incurred in a civil suit.

Appeal against decision of court.

14.

(1) Where the plaintiff or any defendant in a reference made under section 10 to a District Court or a Primary Court is dissatisfied with the decision of that court on that reference, he may appeal against that decision to the Supreme Court.

(2) Every appeal under subsection (1) shall be presented within the time and in the manner provided by the Civil Procedure Code for appeals against decrees in civil suits.

(3) No stamp duty shall be required in any proceedings before the Court of Appeal relating to an appeal under subsection (1).

(4) The Supreme Court may award to any party to an appeal made under subsection (1) an amount determined by that court as his costs of the proceedings relating to that appeal.

(5) The decision of the Supreme Court on an appeal under subsection (1) shall be final.

Non-appearance of persons interested in land.

15.

(1) Where no person interested in a land in respect of which a notice under section 7 has been published appears, personally or by agent duly authorized in writing, on the day on which and at the time and place at which persons interested in that land are directed by that notice or in accordance with the proviso to section 7 (2) (c) to appear, the acquiring officer of the district in which that land is situated shall postpone the inquiry required by section 9 to be held on that day to a date not earlier than the fourteenth day after the aforesaid day and shall cause to be

exhibited in some conspicuous places on or near that land, for the first time on a day not later than the seventh day before the date to which that inquiry is postponed, a notice in the Sinhala, Tamil and English languages-

(a) specifying the date on which and the time and place at which the postponed inquiry will be held,

[6, 39 of 1954] (b) requiring the persons interested in that land, if they have not already done so, to notify to him in writing under their hand or under the hand of agents duly authorized as aforesaid, before the date of the inquiry, the nature of their interests in that land and the amount and particulars of their claims for compensation, and

(c) stating that he will, whether the persons interested in that land attend the inquiry or not, determine at the inquiry the amount of compensation payable, where that land is to be acquired under this Act, for the acquisition of that land or, where a servitude over that land is to be acquired under this Act, for the acquisition of that servitude.

(2) Where an inquiry which is to be held by an acquiring officer in respect of any land under section 9 is postponed under subsection (1) to any date, he shall hold the inquiry on that date or any other date or dates to which the inquiry may be adjourned under subsection (2) of section 9, and shall make his award in respect of that land under section 17, whether the persons interested in that land attend the inquiry or not.

Claims made out of time. [7, 39 of 1954]

16. (1) An acquiring officer shall entertain and inquire into any claim to any right, title or interest to, in or over the land which is to be acquired or over which a servitude is to be acquired, made in writing at any time before the conclusion of an inquiry held by him under this Act, notwithstanding that such claim is made after the expiry of the time allowed therefor by any other provision of this Act; and accordingly such other provisions of this Act as are applicable to claims, other than those relating to the time within which claims may be made, shall apply in relation to such claims.

(2) An acquiring officer shall entertain and inquire into any claim to any right, title or interest to, in or over the land which is to be acquired or over which a servitude is to be acquired, made orally at any time after the commencement and before the conclusion of an inquiry held by him under this Act, notwithstanding that such claim is made after the expiry of the time allowed therefor by any other provision of this Act and is not made in writing; and accordingly such other provisions of this Act as are applicable to claims, other than those relating to the time within which claims may be made and requiring claims to be made in writing, shall apply in relation to such claim.

(3) When a claim is made orally to an acquiring officer as provided in the preceding provisions of this subsection, he shall make a record of that claim.

Award of acquiring officer.

17. [8, 39 of 1954] (1) The acquiring officer who holds an inquiry under section 9 shall, as soon as may be after his decisions under section 10 have become final as provided in that section or after the final determination of any reference made under that section and subject to the other provisions of this section, make an award under his hand determining-

(a) the persons who are entitled to compensation in respect of the land or servitude which is to be acquired;

(b) the nature of the interests of those persons in the land which is to be acquired or over which the servitude is to be acquired ;

(c) the total amount of the claims for compensation for the acquisition of the land or servitude ;

(d) the amount of the compensation which in his opinion should, in accordance with the provisions of Part VI of this Act, be allowed for such acquisition; and

(e) the apportionment of the compensation among those persons.

Such acquiring officer shall give written notice of the award to the persons who are entitled to compensation according to the award.

[8, 39 of 1954] (2) Where no person having any right, title or interest to, in or over the whole or any part of a land which is to be acquired or over which a servitude is to be acquired is known, then, in regard to the whole of the land or in regard to that part only, as the case may be, it shall not be necessary to determine in the award under this section the matters specified in paragraphs (a), (b), (c) and

(e) of subsection (1) and to comply with the provisions of that subsection relating to notice of the award.

[8, 39 of 1954] (3) Where a claimant for compensation has notified his claim to the acquiring officer within the time allowed therefor by this Act, the amount of compensation awarded to that claimant under subsection (1) shall not exceed the amount of his claim.

(4) An award under subsection (1) shall, where a reference under section 10 has been made to a District Court or a Primary Court in respect of the land or servitude to which the award relates, accord with the decision of that court on that reference or, where an appeal against that decision has been made to the Court of Appeal with the decision of the Court of Appeal on that appeal.

Acquiring officer may supply failures or omissions in the course of acquisition proceedings.

18.

[9, 39 of 1954]

(1) Where in the course of any proceedings for the acquisition of any land or servitude under this Act it is found that there has, at any stage of such proceedings, been an inadvertent failure or omission on the part of the acquiring officer to comply with any provision of Part I or Part II of this Act relating to such proceedings, the acquiring officer may supply such failure or omission at any time prior to the making of his award under section 17 ; and thereupon any such proceedings as may have been taken under that Part after the stage aforesaid shall be deemed to be null and void and fresh proceedings shall be taken under the Act as from the said stage.

(2) Where an acquiring officer considers it necessary so to do for the purpose of supplying any failure or omission on his part in the course of any proceedings for the acquisition of any land or servitude under this Act to inquire into any matter which should have been inquired into by him at the inquiry held under section 9, he may reopen that inquiry at any time prior to the making of his award under section 17.

PART III

APPEALS TO THE BOARD OF REVIEW AND APPEALS TO THE SUPREME COURT ON QUESTIONS OF LAW

Constitution of the board of review.

19.

(1) For the purpose of hearing appeals in the manner hereinafter provided, there shall be a board of review (hereinafter referred to as the " board ") consisting of ten members who shall be appointed from time to time by the Governor-General.

(2) Five members of the board (hereinafter referred to as the " lawyer members") shall be advocates or proctors with not less than ten years' professional experience and the other five members of the board (hereinafter referred to as the " valuer members ") shall be persons having adequate knowledge of the valuation of land.

(3) The Governor-General shall appoint a lawyer member of the board to be the chairman.

(4) Every member of the board shall, unless he earlier vacates office or is removed by the Governor-General therefrom, hold office for a period of three years. Any member of the board who vacates office by effluxion of time shall be eligible for reappointment.

(5) The Minister shall, before making any recommendation to the President in regard to the exercise of the powers conferred on the President by this section, obtain the advice of the members for the time being of the Judicial Service Commission.

(6) There shall be appointed a secretary to the board (hereinafter referred to as the " secretary ").

Remuneration of members.

20. The members of the board shall be remunerated at such rates as may be prescribed.

Meetings of the board.

21.

(1) The secretary shall, under the direction of the chairman of the board, convene meetings of the board at which appeals are to be heard.

(2) The chairman , two lawyer members and two valuer members of the board shall be summoned to an ordinary meeting of the board. Such lawyer members and such valuer members shall be chosen by lot by the secretary. The quorum for an ordinary meeting of the board shall be three members of whom at least one shall be a valuer member.

(3) All the members of the board shall be summoned to an extraordinary meeting of the board. The quorum for an extraordinary meeting of the board shall be two lawyer members and three valuer members.

(4) The chairman of the board shall preside at every extraordinary meeting of the board. In the absence of the chairman from a meeting of the board, the members of the board summoned to and present at the meeting shall choose from among themselves a chairman for the meeting.

(5) A member of the board who is interested in the subject-matter of an appeal made to the board or who has been consulted as an attorney-at-law or as a valuer in regard to that matter by or on behalf of the person interested therein shall not participate in a meeting of the board at which that appeal is heard.

(6) A meeting of the board may from time to time be postponed or adjourned.

Right of appeal to the board. [10, 39 of 1954]

22. (1) A person to whom compensation is allowed by an award under section 17 and who has notified his claim for compensation to the acquiring officer within the time allowed therefor by this Act, may appeal to the board against that award on the ground that the amount of the compensation allowed to him is insufficient:

(2) Every appeal under this section shall-

(a) be in writing;

(b) state the name and address of the appellant;

(c) mention as the respondent the acquiring officer who made the award against which the appeal is preferred;

(d) contain a plain and concise statement of the appellant's interest in the land to which such award relates; and

(e) state the amount of compensation claimed by the appellant and his reasons for considering the compensation allowed to him by such award to be insufficient.

(3) Every appeal under this section shall be addressed to the chairman of the board and shall be transmitted to, or delivered at, the office of the board.

Time-limit for appeals to the board.

23. No appeal against an award made under section 17 shall be entertained by the board unless it has been preferred within twenty-one days after the date on which notice of that award was received by the appellant.

Proceedings before the board.

24. (1) Every appeal to the board shall be heard at an ordinary meeting of the board:

Provided that the chairman of the board may refer any appeal for hearing to an extraordinary meeting of the board.

(2) The secretary shall fix a date, time and place for the hearing of each appeal to the board and shall give twenty-one clear days' notice thereof in writing to the appellant and the respondent in the appeal.

(3) The appellant and the respondent in an appeal to the board shall attend, personally or by agent or agents duly authorized in writing, the meeting of the board at which the appeal is heard. Where, for reasonable cause notified in writing to the chairman of the board, the appellant or the respondent is unable so to attend such meeting, the hearing of the appeal may be postponed.

(4) The chairman of the board and, in his absence, the person who is chairman of any meeting of the board shall, for the purposes of the hearing of any appeal by the board, have all the powers of a District Court-

(a) to summon and compel the attendance of witnesses,

(b) to compel the production of documents, and

(c) to administer any oath or affirmation to witnesses.

(5) Section 142 of the Civil Procedure Code and section 132 of the Evidence Ordinance shall apply to a witness in any proceedings before the board as though those proceedings were proceedings before a civil court.

(6) The secretary shall, in respect of every appeal heard by the board, keep a record of all such proceedings before the board as relate to that appeal.

Decision of the board.

25. (1) The decision made at a meeting of the board on an appeal heard at that meeting shall be deemed to be the decision of the board on that appeal.

(2) Where the members of the board who hear an appeal disagree with regard to the decision on the appeal, the decision of the majority of them shall be the decision of the board on the appeal, and, where the members are equally divided in their opinion, the decision supported by the chairman of the meeting at which the appeal is heard shall be the decision of the board on the appeal.

(3) Where the board disallows an appeal against an award made under section 17, the decision on the appeal shall confirm or reduce the amount of compensation allowed to the appellant by that award.

(4) Where the board allows an appeal against an award made under section 17, the decision on the appeal shall determine the amount of compensation payable to the appellant:

Provided that the board shall not allow as compensation to the appellant an amount which exceeds the amount of the claim for compensation which he had originally notified to the acquiring officer who made such award.

(5) Every decision of the board shall contain the reasons therefor.

Costs of proceedings before the board.

26.

(1) The decision of the board on an appeal made to it shall, unless for special reason the board directs otherwise, contain an order as to the person who is to pay the costs of the proceedings relating to the appeal and shall determine the amount of such costs.

(2) All such costs allowed to an acquiring officer under subsection (1) on an appeal against an award under section 17 as are not deducted in the manner provided by section 30 may be recovered as if they were costs incurred in a civil suit, and for that purpose the decision of the board by which the costs are allowed shall be deemed to be a decree of the District Court or the Primary Court having jurisdiction over the place where the land to which that award relates is situated, according as the total amount of the claims for compensation mentioned in that award exceeds or does not exceed three hundred rupees.

Finality of decision of the board.

27. Save as provided in section 28, a decision of the board shall be final and shall not be called in question in any court.

Appeal on question of law to the Supreme Court .

28.

(1) Where a party to an appeal to the board is dissatisfied with the board's decision on that appeal, he may, by written petition in which the other party is mentioned as the respondent, appeal to the Court of Appeal against that decision on a question of law:

Provided that no such appeal may be preferred on any question determined by any decision which is declared by section 10 (5) or section 12 (4) to be final.

(2) A petition of appeal under subsection (1) shall state the question of law to be argued, shall bear a certificate by an attorney-at-law that such question is fit for adjudication by the Court of Appeal, and shall be presented in duplicate to the board by the appellant within twenty-one days after the date of the board's decision against which the appeal is preferred.

(3) When a petition of appeal is presented to the board in the manner and within the time specified in subsection (2), the secretary to the board shall-

(a) transmit to the Supreme Court one of the duplicates of the petition of appeal together with the record of the proceedings in which the board's decision against which the appeal has been preferred was made, and

(b) issue notice of the appeal to the respondent named in the petition of appeal together with the other duplicate of the petition of appeal.

(4) No stamp duty shall be required in any proceedings before the Supreme Court relating to an appeal under subsection (1).

(5) Every appeal to the Supreme Court under this section shall be heard and determined by any two Judges of that court. On determining the question of law on which an appeal is made to the Supreme Court under this section, that court shall, in accordance with its decision on such question, confirm, reduce or increase the amount of compensation which has been confirmed or determined by the board's decision against which that appeal has been preferred:

Provided that the Supreme Court shall not allow as compensation to any person an amount which exceeds the amount of the claim for compensation which he had originally notified to the acquiring officer who made the award under section 17 in respect of the land or servitude to which that claim relates.

PART IV

PAYMENT

Tender and payment of compensation

29. Where an award is made under section 17, the acquiring officer of the district in which the land to which that award relates is situated shall tender to each person who is entitled to compensation according to that award the amount of compensation allowed to him by that award or, if in lieu of that amount a new amount has been allowed as compensation to that person by a final decision on an appeal to the board or by a decision on an appeal to the Court of Appeal tender that new amount to him, and shall pay the tendered amount to him if he consents to receive it:

Provided however that, where the compensation for the acquisition of any premises devoted to a purpose referred to in subsection (2) of section 46 is assessed on the basis mentioned in that subsection, 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.

Deduction of costs from amount of compensation.

30. Where any costs of proceedings under this Act in a court or before the board are ordered by that court or the board to be paid by any person to the acquiring officer who is a party to those proceedings, the amount which may be due as such costs may be deducted from any compensation payable under this Act to that person.

Compensation for land subject to an encumbrance.

31.

(1) Where compensation is payable under this Act for any such interest in a land as is subject to any entail, settlement, or fideicommissum, that compensation shall be subject to the same entail, settlement or fideicommissum.

(2) Any compensation which under subsection (1) is subject to any entail, settlement or fideicommissum shall be paid into the District Court having jurisdiction over the place where the land in respect of which that compensation is payable is situated, to abide the orders of that court as to the disposal thereof.

(3) Where compensation is payable under this Act for a mortgagee's interest in a land, that compensation shall, unless otherwise agreed between the parties, be paid into the District Court or the Court of Requests having jurisdiction over the place where that land is situated, according as the amount of that compensation exceeds or does not exceed three hundred rupees, to be drawn by the person entitled thereto.

Payment of compensation due to a minor or a person of unsound mind,

32.

(1) Where a sum not exceeding one hundred rupees is payable as compensation under this Act to any person who is a minor or a person of or is of unsound mind, that sum may, if he is a minor, be paid to him or, if he is a minor or is of unsound mind, be paid, for his benefit, to any other person who is maintaining him.

(2) Where any sum which is payable as compensation for the acquisition of a land or servitude under this Act to a person who is a minor or is of unsound mind exceeds one hundred rupees or is not paid in the manner permitted by subsection (1), that sum shall, for the benefit of that person, be paid into the District Court or the Court of Request having jurisdiction over the place where that land or the servant tenement of that servitude is situated, according as that sum exceeds or does not exceed three hundred rupees.

Compensation which cannot be paid to person to whom it is payable or who may be entitled thereto.

33. Where any person to whom any compensation for the acquisition of a land or servitude under this Act is payable declines to receive it when it is tendered to him, or is dead or cannot be found after diligent search, or where no person entitled to any compensation for the acquisition of a land or servitude under this Act is known, that compensation shall be paid into the District Court or the Court of request having jurisdiction over the place where that land or the servant tenement of that servitude is situated, according as the amount of that compensation exceeds or does not exceed three hundred rupees, to be drawn by the person entitled thereto.

[11, 39 of 1954.]

[11, 39 of 1954.]

Notice of the payment of any sum as provided in this section shall be published in the Gazette and in at least one Sinhala daily newspaper, one Tamil daily newspaper, and one English daily newspaper circulating in Ceylon

Renunciation of right to compensation.

34.

(1) If any person to whom compensation is payable under this Act for his interest in any land which is to be acquired or over which a servitude is to be acquired under this Act desires to renounce his right to such compensation, he shall make and sign a written declaration that he renounces such right. Such declaration shall be conclusive evidence that such person has renounced such right, and thereafter no person shall, save as provided in subsection (4), be entitled to claim compensation from the Government in respect of such interest.

(2) A declaration made by any person under subsection (1) shall state the amount of compensation which would have been paid to him by the Government if he had not renounced his right thereto.

(3) No declaration under subsection (1) shall be chargeable with stamp duty.

(4) Where any person, other than the declarant in a declaration made under subsection (1), proves that he was entitled to such interest in the land to which that declaration relates as was claimed by that declarant, he shall be entitled to compensation from the Government in respect of such interest, but the amount of compensation payable to him shall not exceed the amount of compensation specified under subsection (2) in that declaration.

Interest on compensation

35. Where the amount of compensation payable under this Act to any person for the acquisition of any land or servitude is not paid to him or into court before the date on which an Order under section 38 in respect of that land or servitude is published in the Gazette, that amount shall be paid with interest thereon at a prescribed rate from that date up to the date of payment:

Exchange.

36. (1) Any person to whom compensation for the acquisition of any land is payable under this Act may enter into a written agreement with the acquiring officer of the district in which that land is situated to accept, in lieu of the whole or any part of such compensation, a transfer of any other land which is the property of the Crown. Such agreement shall be signed by that person and by that acquiring officer. The amount of compensation in lieu of which the transfer is accepted shall be specified in such agreement.

(2) No agreement under subsection (1) shall be chargeable with stamp duty.

(3) Where any person accepts a transfer of any land made under an agreement executed under subsection (1), such transfer shall, for the purposes of this Act, be deemed to be payment of the compensation in lieu of which such transfer is accepted by that person.

(4) Where any compensation payable to any person under this Act would if paid be subject, under section 31, to any entail, settlement or fideicommissum, any land which, under the preceding provisions of this section, is accepted by him in lieu of such compensation shall be subject to the same entail, settlement or fideicommissum.

Finality as to payment of compensation.

37. Where compensation for the acquisition of any land or servitude has been, or is deemed to have been, paid in accordance with the provisions of this Act, no further claim against the Government for compensation for such acquisition shall be allowed.

PART V

POSSESSION AND DISPOSAL

Order for taking possession of a land, or subjecting a land to a servitude.

38. At any time after an award is made under section 17, the Minister may by Order published in the Gazette-

(a) where the award relates to the acquisition of any land, direct the acquiring officer of the district in which that land is situated, or any other officer authorized in that behalf by such acquiring officer, to take possession of that land for and on behalf of Her Majesty, or

(b) where the award relates to the acquisition of any servitude, declare that the land over which that servitude is to be acquired shall be subject to that servitude :

Provided that the Minister may make an Order under the preceding provisions of this section-

(a) where it becomes necessary to take immediate possession of any land on the ground of any urgency, at any time after a notice under section 2 is exhibited for the first time in the area in which that land is situated or at any time after a notice under section 4 is exhibited for the first time on or near that land, and

(b) where it becomes necessary immediately to acquire any servitude on the ground of any urgency, at any time after a notice under section 4 is exhibited for the first time on or near the land over which that servitude is to be acquired.

Revocation of vesting orders.
[12, 39 of 1954]

39. (1) Notwithstanding that by virtue of an Order under section 38 (hereinafter in this section referred to as a " vesting order ") any land has vested absolutely in Her Majesty, the Minister may, if possession of the land has not actually been taken for and on behalf of the State in pursuance of that Order, by subsequent Order published in the Gazette revoke the vesting order.

(2) Copies of any Order under subsection (1) shall be published in at least one Sinhala daily newspaper, one Tamil daily newspaper, and one English daily newspaper circulating in the area in which the land to which the Order relates is situated, and shall be exhibited in conspicuous places upon and in the vicinity of the land.

(3) Where a vesting order is revoked under this section, the land to which it relates shall be deemed never to have vested in Her Majesty by virtue thereof; and any question which might arise as to any right, title or interest to, in or over the land shall be determined accordingly.

Effect of Order under section 38.

40. When 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 land shall, by virtue of that Order, vest absolutely in the Her Majesty free from all encumbrances with effect from the date on which that Order is so published, and any officer who is authorized to do so by that Order may, on or after that date, take possession of that land for and on behalf of the Her Majesty, or

(b) where that Order is in regard to the subjection of a particular land to a particular servitude, that land shall be subject to that

servitude, and that servitude may be utilized for the public purpose for which it was acquired, on and after the aforesaid date.

Provisions for application of act where order under proviso to section 38 is made.

41. In any case where an Order is made under the proviso to section 38 for the taking of immediate possession of any land or for the immediate acquisition of any servitude on the ground of urgency, then

[13, 39 of 1954]

(a) if the provisions or any of the provisions of section 4 have not been complied with prior to the making of the Order it shall not be necessary to comply with those provisions or such of those provisions as have not already been complied with;

(b) if a declaration under section 5 has not been made prior to the making of such Order, a declaration shall be made and published in terms of that section notwithstanding that all or any of the provisions of section 4 have not been complied with ; and

(c) notwithstanding that such Order takes effect as provided in section 40, all the provisions of this Act shall, save as hereinbefore in this section provided, apply in the aforesaid case in like manner as they apply in the case of a land or servitude which is to be acquired.

Possession.

42.

(1) No officer Shall, under section 40, take possession of any occupied building or any part of an occupied building without giving the occupier of the building at least forty-eight hours' notice of the intention to do so.

(2) Where any officer directed by an Order under section 38 to take possession of any land is unable or apprehends that he will be unable to take possession of that land because of any obstruction or resistance which has been or is likely to be offered, such officer shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that land is situated, be entitled to an order of that court directing the Fiscal to deliver possession of that land to him for and on behalf of Her Majesty.

(3) Where an order under subsection (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to that court the manner in which that order was executed.

(4) For the purpose of executing an order issued by a Magistrate's Court under subsection (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter the land to which that order relates and to eject any person in occupation of that land and to deliver possession of that land to the officer who is authorized to take possession of that land for and on behalf of Her Majesty.

Access to unacquired portion of land.

43. Where a portion of a building is acquired under this Act and possession thereof is taken by an officer for and on behalf of Her Majesty, that officer or any other officer authorized by him in that behalf may, together with such persons, vehicles, animals and implements as may be necessary, enter the premises on which the rest of that building stands for the purpose of demolishing the acquired portion of that building.

Vesting of land in local authority or other body.

44.

(1) Where any land which is required for the purposes of any local authority or of any other person or body of persons is, in pursuance of any other written law, acquired under this Act for such purposes, the acquiring officer of the district in which that land is situated shall, after possession of that land has been taken for and on behalf of Her Majesty, by a certificate issued under his hand, vest that land in such local authority or such person or body of persons, as the case may be, subject to such conditions or restrictions as may be specified in the certificate.

[14, 39 of 1954]

(2) Where any land which is required for the purposes of any local authority or of any other person or body of persons-

(a) was, in pursuance of any other written law, acquired for such purposes under the Land Acquisition Ordinance repealed by Act No. 9 of 1950; and

(b) was taken possession of under that Ordinance for and on behalf of the State but is not on the date on which this Act comes into force vested in such local authority or such person or body of persons, as the case may be,

that land may be so vested in the manner provided by subsection (1).

PART VI

ASSESSMENT OF COMPENSATION

Market value

45.

(1) For the purposes of this Act the market value of a land in respect of which a notice under section 7 has been published shall, subject as hereinafter provided, be the amount which the land might be expected to have realized if sold by a willing seller

in the open market as a separate entity on the date of publication of that notice in the Gazette :

Provided that, in determining that amount, all such returns and assessments of income from, or of the capital or annual value of, that land as have been made or acquiesced in by the owner of that land for the purposes of any rate or tax imposed in respect of that land, shall be taken into consideration.

(2) For the purposes of this Act the market value of a servitude shall-

(a) where it is a new servitude which is to be created by its acquisition under this Act, be the amount by which the market value of the servant tenement of the servitude will be diminished by the creation of the servitude, or

(b) where it is an existing servitude which is to be extinguished by the acquisition of the servitude and its servant tenement under this Act, be the amount by which the market value of the dominant tenement of the servitude will be diminished by the extinction of the servitude.

(3) Where any portion of a land which is to be acquired under this Act is situated within any street lines or building limit defined by or under any other written law, the market value of that portion shall be the market value which that portion would have if it does not fall within such street lines or building limit.

Assessment of compensation.

46. (1) The amount of compensation to be paid under this Act to any person interested in a land shall-

(a) where the compensation is for the acquisition of that land, be based on the market value of that land, or

(b) where the compensation is for the acquisition of a servitude over that land, be based on the market value of that servitude,

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, but, where it is the land which is to be acquired, he shall be entitled to-

(i) compensation for any damage sustained by reason of the severance of the land from his other land, the severance being deemed to occur on the date on which the notice under section 7 in respect of the land is published in the Gazette ;

(ii) compensation for any damage sustained by reason of the acquisition of the land injuriously affecting, in any manner other than that mentioned in paragraph (i), his adjoining land or any immovable property thereon, the injurious affection being deemed to occur on the aforesaid date;

(iii) compensation for any such loss of earnings from any business carried on the land on the aforesaid date as may be caused by the acquisition of the land ; and

(iv) any reasonable expenses of effecting any change of residence necessarily caused by the acquisition of the land:

Provided that-

(a) the total amount of the compensation under paragraph (i) and paragraph (ii) of this subsection shall not exceed twenty per centum of the market value of the land to be acquired;

(b) the amount of the compensation under paragraph (iii) of this subsection shall not exceed three times the average annual net profits from the business, as shown by the books of accounts, for the three calendar years immediately preceding the date on which the notice under section 7 in respect of the land is published in the Gazette; and

(c) no compensation shall be allowed under paragraph (iii) of this subsection if the business is the sale or disposal of the produce of the land to be acquired.

(2) Where any premises which are to be acquired under this Act are, and but for their compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation payable in respect of those premises under this Act may, if the acquiring officer assessing the compensation is satisfied that the persons interested in those premises genuinely intend, when those premises are acquired, to provide for the aforesaid purpose premises equally convenient as the acquired premises, be assessed on the basis of the reasonable cost of providing for that purpose premises equivalent to those which are to be acquired under this Act.

Deduction.

47. Where the compensation assessed under section 46 is for the acquisition of only a part of any land, the amount by which the market value of the remaining part of that land is likely to increase by reason of such acquisition shall be deducted from the amount of such compensation, the amount of the deduction being not more than twenty per centum of the market value of such part of that land as is acquired under this Act.

Matters to be ignored.

48. In determining under section 46 the compensation to be paid to any person for the acquisition of a land or servitude, none of the following matters shall be taken into consideration:-

(a) the degree of urgency which has led to the acquisition of the land or servitude under this Act;

(b) his disinclination to part with his interest in the land or to allow the acquisition of the servitude ;

(c) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

(d) any damage which, after the award of compensation, is likely to be caused by or in consequence of the use to which the land or servitude will be put after its acquisition under this Act;

(e) any increase which is likely to occur in the market value of the land by reason of the use to which it will be put after its acquisition under this Act;

(f) any outlay or improvement made or commenced on the land after the notice under section 4 in respect of the land was given or exhibited unless such outlay or improvement was reasonably for the purpose of maintaining or preserving the land or any plantation, building, fixture, or machinery thereon;

(g) the special suitability or adaptability of the land for any purpose to which it could be applied only under statutory powers or for which there is no market apart from the special needs of a particular purchaser or the requirements of any Government department or local authority or of any body of persons constituted by or under any other written law;

(h) the amount of any such increase in the market value of the land as has been caused by the use thereof or of any premises thereon in a manner which can be restrained by any court or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health.

PART VII

GENERAL

Compulsory acquisitions authorized by any other written law.

49. Where any other written law authorizes the acquisition of land under this Act and the Minister decides that any land is reasonably required under such other written law by any authority, person or body of persons, the purpose for which that land is required shall be deemed to be a public purpose and the provisions of this Act shall apply accordingly to the acquisition of that land for that authority, person or body of persons.

Abandonment of acquisition proceedings.

50.

(1) The proceedings commenced under this Act for the acquisition of any land or servitude may, at any time before an Order under section 38 in respect of that land or servitude is published in the Gazette, be abandoned.

(2) Where the proceedings commenced under this Act for the acquisition of any land or servitude are abandoned after a person interested in the land which is to be acquired or over which the servitude is to be acquired, has incurred costs by reason of any proceedings taken under this Act in any court or before the board, the Government shall pay to that person the amount of those costs as determined by that court or the board.

Order, direction or declaration of Minister.

51. Any order, declaration or direction of the Minister under this Act may be signified under the hand of the Permanent Secretary or any Assistant Secretary to the Ministry.

[15, 39 of 1954.]

Notices.

52. Where this Act requires a notice relating to a land to be given to any person interested in that land, that notice shall be deemed to be given to him if-

(a) where his address is known, it is sent by registered letter through the post to him at that address, or

(b) where his address is not known-

(i) it is sent by registered letter through the post to any occupier of that land, or

(ii) in the absence of such an occupier, it is exhibited in some conspicuous places on or near that land.

informality or irregularity.

53. No informality or irregularity occurring in any matter or proceedings under this Act shall invalidate or affect the title of the State to any land acquired under this Act.

Limitation of doctrine of res adjudicate-

54. Where in any proceedings in a court under this Act the court makes a determination of the question of title to a land under such circumstances that in any subsequent legal proceedings such determination would be deemed to

be res adjudicata as between the parties to the first-mentioned proceedings, such determination shall not operate as res adjudicata except so far as it relates to such portion of that land as has been actually acquired under this Act.

Powers of Chief Valuer and his agents.

55. The Chief Valuer of the Government, or any officer authorized by him in that behalf, may-

(a) examine any such record, document or plan kept at the office of a local authority as relates to any land which is to be acquired under this Act or is comparable with any land which is to be so acquired,

(b) inspect any such land after giving written notice of the inspection to the owner or occupier of the land, and

(c) require any person who is or was at any time the owner or occupier of any such land to render to him, on or before the date specified in the requisition (such date not being earlier than the fourteenth day after the date of the requisition), a return, on such form as he may supply to that person, setting out particulars in respect of such prescribed matters within the knowledge of that person as may be specified in the form.

Registered valuers.

56.

(1) After such date as may be appointed by the Minister by notice published in the Gazette, the opinion, regarding the value of any land which is to be acquired under this Act, of any person other than a person who is or is deemed to be a registered valuer, shall not, at any proceedings before the board, be regarded as the opinion of an expert.

(2) For the purposes of subsection (1), every valuer of the Valuation Department of the Government shall be deemed to be a registered valuer.

(3) In this section, " registered valuer " means a valuer registered in accordance with such regulations as may be made under section 63 for the registration of valuers.

Rights of persons lawfully entitled to land acquired under this Act.

57.

(1) Nothing contained in this Act shall affect the right of any person who is lawfully entitled to any compensation which is paid under this Act to any other person to recover that compensation from that other person.

(2) Where in lieu of compensation for any land acquired under this Act any other land which is the property of the State is transferred to any person under section 36, any other person who is lawfully entitled to the land acquired under this Act shall, except as against a bona fide purchaser for value without notice, have the same right for the recovery of the land transferred to the first-mentioned person as that other person would have had for the recovery of the land acquired under this Act before the acquisition ; and nothing in this Act shall be deemed to prejudice any right to damages or any other remedy of that other person against the first-mentioned person.

Wanton damage to land during investigation.

58. Where any officer empowered by subsection (3) of section 2 to enter any land wantonly causes any damage to that land or to anything thereon, he shall be deemed to commit the offence of mischief within the meaning of the Penal Code and shall be liable to the punishment prescribed for that offence in that Code.

Omission to give information or giving false information.

59. Every person required to make or deliver a statement under section 8 or to render a return under section 55 shall be deemed to be legally bound to do so within the meaning of sections 174 and 175 of the Penal Code.

Non-compliance with summons.

60. A person who fails to comply with a summons served on him under subsection (3) of section 9 shall, unless his failure to comply with such summons was due to his illness or to any other cause beyond his control, be guilty of an offence punishable with a fine not exceeding fifty rupees.

False evidence.

61. A person who, upon examination on oath or affirmation at an inquiry held under section 9, willfully gives false evidence shall be guilty of the offence of giving false evidence under Chapter XI of the Penal Code and shall be liable to the punishment therein prescribed.

Temple Lands Compensation Ordinance not to be affected by this Act.

62. Nothing contained in this Act shall be deemed to affect the provisions of the Temple Lands (Compensation) Ordinance.

Regulations.

63.

(1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters

:-

(a) all matters stated or required by this Act to be prescribed ;

(b) the making of such amendments in any other written law as are consequential to the provisions of this Act;

(c) the form of any order, notice, certificate, declaration or agreement issued or made under this Act;

(d) the procedure to be followed at meetings of the board ;

(e) the evidence which may be required or admitted in any proceedings before the board;

(f) the basis of assessing the market value of any land or the compensation for any injurious affection caused by the acquisition of any land under this Act, in so far as such basis is not specified in this Act;

(g) the registration of valuers.

(3) No regulation made by the Minister under this section shall have effect until it is approved by Parliament. Notice of the approval of any regulation by Parliament shall be published in the Gazette.

(4) Where a regulation made by the Minister under this section is approved by Parliament and notice of the approval is published in the Gazette, that regulation shall be valid and effectual as if it were herein enacted.

Certain matters pending under Land Acquisition Ordinance, 1876,to be referred to board of review.

64. Where any proceedings under the Land Acquisition Ordinance, 1876,*[* Repealed by Act No. 9 of 1950.] whether those proceedings are proceedings instituted in a District Court under section 11 of that Ordinance or are any other proceedings, are pending or incompleted on the date on which this Act comes into force and the only question for determination in those proceedings is in regard to the amount of compensation payable to any person or persons, that question shall, if any party to those proceedings who is interested in that question so desires, be referred to the board of review for determination; and the board shall, notwithstanding anything to the contrary in this Act, hear and determine that question in accordance with the provisions of this Act as though that question were an appeal made to, and entertained by, the board under this Act.

interpretation.

65. In this Act, unless the context otherwise requires-

" acquiring officer", with reference to any land, means the Government Agent of the administrative district in which that land is situated, or any other prescribed officer;

" land " includes any interest in, or and benefit to arise out of, any land and any leasehold or other interest held by any person in an) State land, and also things attached to the earth or permanently fastened to anything attached to the earth;

" local authority " means any Municipal Council, Urban Council, Town Council or Village Council, or any other institution which may hereafter be established by law for purposes of local self-government with power to impose and levy a rate on property;

" Minister " means the Minister who is for the time being charged with the administration of the subjects and functions relating to State lands;

" person interested ", with reference to a land, means a person having an interest in the land as owner, co-owner, mortgagee, lessee or otherwise, whether absolutely for himself or in trust for any other person or for any charitable, religious or other purpose; or a person having a servitude over the land ;

" prescribed " means prescribed by regulation made under this Act;

" public purpose" includes a purpose which, under this Act or any other written law, is deemed to be a public purpose; and