



## ST HELENA

### REVISED EDITION OF THE LAWS, 2017

#### LAND OWNERSHIP & USE

#### **LAND ACQUISITION ORDINANCE, 2006<sup>1</sup>**

*Ordinance 1 of 2006  
In force 1 March 2006*

*Amended by Ordinances 2 of 2008, 9 of 2013 (in force 1 June 2013 and 1 February 2014)*

*Subsidiary legislation:*

**LAND ACQUISITION (INTEREST RATE) REGULATIONS, 2006**  
*Legal Notice 1 of 2006*

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#### **LAND ACQUISITION ORDINANCE, 2006**

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

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AN ORDINANCE to facilitate the acquisition of land for public purposes.

### **Short title and commencement**

**1.** This Ordinance may be cited as the Land Acquisition Ordinance, 2006, and comes into force on a day the Governor appoints by notice in the *Gazette*.

### **PART I PRELIMINARY**

#### **Interpretation**

**2. (1)** In this Ordinance—

“**Attorney General**” includes any public officer authorised by the Attorney General, either generally or specifically, to act on his or her behalf;

“**Court**” means the Supreme Court;

“**land**” includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

“**person interested**” includes every person claiming an interest in compensation to be made on account of the acquisition or occupation of land under this Ordinance, but does not include a tenant by the month or any period shorter than a month or at will;

“**public purpose**” means -

- (a) any purpose for which the taking of possession or acquisition of any land is necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town and country planning or the development or utilisation of any land (not limited to the land taken possession of or acquired) in such manner as to promote the public benefit or the economic wellbeing of the community;
- (b) any other purpose declared by the Governor in Council by order to be a public purpose for the purposes of this definition.

**(2)** The acquisition of any land is deemed to be necessary and expedient in the interests of public safety, public health, and the development or utilisation of land, if there has with respect to that land been any failure to comply with -

- (a) an enforcement notice under section 33 of the Land Planning and Development Control Ordinance, 2013;
- (b) an amenity order under section 44 of that Ordinance; or
- (c) a notice requiring the removal or alteration of work under section 45 of that Ordinance.

**PART II**  
**ACQUISITION: PRELIMINARY INVESTIGATION**

**Power to enter and survey**

3. (1) Whenever it appears to the Governor in Council that land in any locality is likely to be needed for any public purpose, a notification to that effect must be published in the *Gazette* and a copy of it served upon the owner of the land.

(1A) When a notice has been published under subsection (1), the Attorney General must cause public notice of the substance of it to be given at convenient places in the locality to which it relates, and thereupon the Attorney General ~~in that behalf~~ or persons authorised to act on behalf of the Attorney General may—

- (a) enter upon and survey and take levels of any land in such locality;
- (b) dig or bore into the subsoil;
- (c) do all other acts necessary to ascertain whether the land is suitable for the purpose for which it is required;
- (d) set out the boundaries of the land proposed to be taken and the intended line of work, if any, proposed to be made on it;
- (e) mark such levels, boundaries and line by placing marks and cutting trenches; and
- (f) cut down and clear away any standing crop, fence, bush or woodland, if otherwise the survey cannot be completed, the levels taken or the boundaries or line of the work marked.

(2) Subsection (1A) does not authorise a person to enter into any building or upon any enclosed yard, court or garden attached to a dwelling house unless with the consent of the occupier of it, without previously giving such occupier at least 7 days' notice in writing of the intention so to do.

**Payment for damage**

4. (1) As soon as is convenient after any entry made under section 3, the person authorised under section 3(1A) must -

- (a) make arrangements for payment to be made for all damage done; and
- (b) in case of dispute as to the amount to be paid for such damage, at once refer the dispute to the Attorney General.

(2) The Attorney General's decision on a referral under subsection (1) is final, subject however to an appeal to the Supreme Court.

*Declaration of intended acquisition*

**Declaration that land is required for a public purpose**

5. (1) Whenever it appears to the Governor in Council that any particular land is needed for a public purpose, a declaration to that effect must be made under the signature of the Attorney General.

(2) No such declaration under subsection (1) in respect of any land is to be made

unless the compensation to be awarded for such land is to be paid out of—

- (a) the general revenues or other public funds of the Government; or
- (b) funds provided by the Government of the United Kingdom.

(3) Every declaration must be published in the *Gazette* and must state—

- (a) the place in which the land is situated;
- (b) the particular purpose for which it is needed;
- (c) its approximate area and all other particulars necessary for identifying it; and
- (d) if a plan has been made of the land, the place where and the time at which such plan may be inspected.

### **Acquisition of land after declaration**

6. Whenever any land has been declared under section 5 to be needed for a public purpose the Governor in Council must direct the Attorney General to take proceedings for the acquisition of the land in accordance with this Ordinance.

### **Land to be surveyed**

7. Upon being directed as provided by section 6, the Attorney General must cause the land, unless it has already been marked out under section 3, to be surveyed, and a plan of it made, if no such plan exists.

### **Power to value land and to negotiate for purchase by private treaty**

8. (1) After taking action under section 7, the Attorney General must -

- (a) cause the land to be valued; and
- (b) enter into negotiations for the purchase of the land by private treaty.

(2) The Attorney General does not need to await the publication of the declaration under section 5 before entering into negotiations for the purchase of the land by private treaty.

(3) This section does not operate to prohibit or delay the procedure provided by this Ordinance for compulsory acquisition of land.

### **Notice to persons interested**

9. (1) If no agreement by private treaty for the purchase of any land in respect of which a declaration under section 5 has been made is arrived at within a time the Governor in Council considers reasonable, the Governor in Council must cause notices to be posted at convenient places on or near the land to be acquired, stating that claims to compensation for all interests in the land may be made to the Attorney General.

(2) A notice under subsection (1) must state the particulars of the land and require all persons interested in it to -

- (a) to appear personally or by agent before the Attorney General at a time and place specified in the notice, not being earlier than 21 days after the date of publication of the notice; and
- (b) state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests and their objections, if

any, to the survey made under section 7.

**(2A)** The Attorney General may in any case require a statement under subsection (2)(b) to be made in writing and signed by the party or the party's agent.

**(3)** The Governor in Council must also cause notice to the same effect to be served on the occupier, if any, of the land and on all persons who are known or believed to be interested in it, or to be entitled to act for persons so interested, or on agents authorised to receive service on their behalf.

**(4)** If the person who is the occupier of the land, or who is interested in it or entitled to act for such a person resides elsewhere than on the land and has no agent authorised to receive service, the notice may be sent to the occupier or other person by registered post if the person's address can be ascertained after reasonable enquiry.

### **Power to require information**

**10.** **(1)** The Attorney General may also require any person interested to deliver to the Attorney General, within a specified time, not being less than 30 days, a statement in writing containing, so far as is within the person's knowledge -

- (a) the name of every other person possessing any interest in the land or any part of it as co-owner, mortgagee, lessee, sub-lessee, tenant or otherwise; and
- (b) as to the nature of such interest, and of the rents and profits, if any, received or receivable on account of it for 3 years next preceding the date of the statement.

**(2)** A person required under subsection (1) to make a statement as mentioned in that subsection who fails so to do commits an offence.

Penalty: A fine of £500.

### *Enquiry into measurements, value and claims, and awards by Attorney General*

### **Enquiry and award by Attorney General**

**11.** **(1)** On the day specified in the notice under section 9, or on any day to which the enquiry is adjourned, the Attorney General must enquire into—

- (a) the objections, if any, which any person interested has stated, pursuant to the aforesaid notice, to the survey made under section 7;
- (b) the value of the land; and
- (c) the respective interests of the persons claiming the compensation,

and must make a signed award as to—

- (i) the true area of the land;
- (ii) the compensation which in the Attorney General's opinion should be allowed for the land;
- (iii) the apportionment of compensation among all the persons known or believed to be interested in the land of whose claims the Attorney General has information, whether or not they have respectively appeared before him or her.

**(2)** When the amount of compensation has been settled under subsection (1), if any

dispute arises as to the apportionment of it or any part of it, or as to the persons to whom the compensation or any part of it is payable, the Attorney General must refer the dispute for the decision of the Court.

### **When award of Attorney General to be final**

**12.** (1) Every award must be filed in the office of the Attorney General and is, except as hereinafter provided, final and conclusive evidence as between the Attorney General and the persons interested, whether they have respectively appeared before the Attorney General or not, of the true area and value of the land and the apportionment of the compensation among the persons interested.

(2) The Attorney General must serve a copy of the award on all persons interested whose addresses are known or can be ascertained upon reasonable enquiry at the time the award is made.

### **Power to summon and enforce attendance of witnesses, etc.**

**13.** For the purposes of an enquiry under this Ordinance, the Attorney General has the power to -

(a) summon and enforce the attendance of witnesses including the persons interested or any of them; and  
 (b) compel the production of documents,  
 by the same means, and, so far as may be, in the same manner, as is provided for in the Magistrate's Court when exercising its civil jurisdiction.

### **Determination of compensation**

**14.** (1) In determining the amount of compensation to be awarded for land acquired under this Ordinance—

- (a) the following and no other matters must be taken into consideration—
  - (i) the market value at the date of the service of the notice under section 9(3);
  - (ii) any increase in the value of other land of any person interested likely to accrue from the use to which the land acquired will be put;
  - (iii) the damage or loss, if any, sustained by any person interested at the time of the taking possession of the land by the Attorney General by reason of the severing of such land from the other land of that person;
  - (iv) the damage or loss, if any, sustained by any person interested at the time of taking possession of the land by the Attorney General by reason of the acquisition injuriously affecting that person's other property (whether movable or immovable) or the actual earnings of that person;
  - (v) the reasonable expenses, if any, incidental to any change of residence or place of business of any person interested which is necessary in consequence of the acquisition;
- (b) the following matters must not be taken into consideration—
  - (i) the degree of urgency which has led to the acquisition;
  - (ii) any disinclination of the person interested to part with the land acquired;
  - (iii) any damage or loss sustained by the person interested which, if caused by a private person, would not be a good cause of action;
  - (iv) any damage or loss which is likely to be caused to the land acquired after the

- date of the publication of the declaration under section 5 by or in consequence of the use to which the land has been put;
- (v) any increase in the value of the land acquired which is likely to accrue from the use to which it will be put;
  - (vi) any outlay on additions or improvements to the land acquired, which was incurred after the date of the publication of the notice under section 5, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair;
  - (vii) the fact that the land has been compulsorily acquired.
- (2)** For the purposes of subsection (1)(a)(i)—
- (a) if the market value of land has been increased by means of any improvement made by the owner or the owner's predecessor in interest within 2 years immediately preceding the service of the notice under section 9(3), such increase must be disregarded unless it is proved that the improvement was made *bona fide* and not in contemplation of proceedings for the land being taken under this Ordinance;
  - (b) when the value of land is increased by reason of the use of it or of any premises on it in a manner which could 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, the amount of that increase must not be taken into account.

#### *Taking possession*

#### **Taking possession in case of urgency**

**15.** **(1)** The Attorney General may, if the Governor in Council so directs, at any time after the publication of the notice required by section 9(1) the Governor in Council specifies, take possession of any land needed for a public purpose.

**(2)** The Attorney General must in such a case offer to the persons interested compensation for the loss of standing crops, fruit and any other agricultural activity that might have to cease as a result of the loss of possession of the land.

**(3)** If the offer under subsection (2) is not accepted, the value of such crops, fruit or agricultural activity must be allowed for in awarding compensation for the land.

#### **Vesting of land in the name of the Crown**

**16.** In every case, as soon as the Attorney General enters into possession of any land in accordance with this Ordinance, the land vests in the Crown from the date of such entry into possession, and a notice to that effect must be published in the *Gazette* by the Attorney General.

#### **Appeal against declaration of intended acquisition**

**17.** **(1)** Any person who claims to be an interested person, or that if the proceedings for the acquisition of any particular land are continued the person will be an interested person, may appeal to the Court against the decision to acquire that particular land. Such an appeal may be made on either or both of the following grounds—

- (a) there is an alternative site available which would apparently meet the requirements

- of the purpose intended without the necessity for compulsory acquisition;
- (b) the acquisition of the particular land is not necessary for the purpose intended.

(2) Any such appeal may be made at any time after the publication of the declaration under section 5 and before the award of any compensation by the Attorney General becomes final as provided by section 12, but if the appellant also makes an objection to the award of the Attorney General in respect of the same land, as hereinafter provided, the Court, if it sees fit, may give directions for the consolidation of the proceedings in respect of both issues.

(3) Subject to any rules of procedure made by the Chief Justice relating to appeals made under this section -

- (a) any such appeal must be commenced by filing in the Court a notice of appeal setting out the grounds upon which the appeal is made; and
- (b) the Court must thereupon cause a copy of the notice to be served upon the Attorney General and any other person interested or who appears to the Court to be likely to be affected by the decision in the appeal.

(3A) The Court must cause to be served upon the Attorney General and upon the appellant and any other interested persons a notice of the day appointed for the hearing of the appeal.

(4) If the appeal is allowed, the Court must make a declaration to that effect setting out the grounds for the decision.

(5) If the appeal is allowed upon grounds referred to in subsection (1)(a), the Governor in Council must cause the proposal for the acquisition of the particular land to be reconsidered in the light of the evidence before and the finding of the Court, but is not bound to discontinue the proceedings for the acquisition of the land concerned if satisfied that in the public interest the acquisition of the particular land is preferable to the alternative site proposed by the appellant.

(6) If the Court allows the appeal upon the grounds referred to in paragraph subsection (1)(b), the Governor in Council must give directions for the proceedings for the compulsory acquisition of the particular land to be discontinued.

### **PART III REFERENCE TO COURT**

#### **Reference to Court**

**18.** (1) Any person interested who is dissatisfied with any award may, by written application to the Attorney General, require that the matter be referred by the Attorney General for the determination of the Court, whether the objection be to the survey, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The applicant must state specifically the grounds on which objection to the award is taken and at the hearing no other grounds may be given in argument without the leave of the Court.

- (3) An application under this section must be made—  
 (a) if the person making it was present or represented before the Attorney General at the time of the enquiry under section 11 - within 6 weeks from the date of the Attorney General's award;  
 (b) in other cases - within 6 weeks of the actual receipt of the notice from the Attorney General under section 12(2) or within 12 months from the date of the Attorney General's award, whichever period first expires.

(4) The periods within which an application for reference to the Court must be made cannot be extended by the Court.

### **Attorney General's statement to Court**

19. (1) In making a reference under this Part, the Attorney General must make a signed statement for the information of the Court setting out—

- (a) the situation and extent of the land with particulars of any trees, buildings or standing crops on it;
- (b) the names of the persons whom the Attorney General has reason to think are interested in the land and the address of such persons;
- (c) the amount awarded for damages and paid or tendered under sections 4 and 15 or either of such sections and the amount of compensation awarded under section 11;
- (d) if the objection is to the amount of the compensation - the grounds on which the amount of compensation was determined.

(2) The statement required under subsection (1) must have attached to it a schedule containing particulars of the notices served upon, and of the statements in writing made or delivered by, any persons interested.

### **Service of notice**

20. On receipt of the statement under section 19, the Court must cause to be served upon—

- (a) the applicant;
- (b) all persons interested in the objection, except any of them that consented without protest to receive payment of the compensation awarded; and
- (c) if the objection is in regard to the area of the land or to the amount of the compensation - the Attorney General,

a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day.

### **Proceedings before the Court**

21. (1) All proceedings before the Court under this Ordinance must take place in open court.

(2) If the proceedings before the Court relate only to objections to the award made by the Attorney General under section 11 the Court must restrict its enquiry to a consideration of the interest of the persons affected by the objections.

### **Rules as to amount of compensation**

**22.** (1) If the applicant has made a claim to compensation pursuant to a notice under section 9, the amount awarded to the applicant by the Court must not exceed the amount so claimed or be less than the amount awarded by the Attorney General under section 11.

(2) If the applicant has refused to make such a claim or has omitted, for any reason which the Court considers insufficient, to make such a claim, the amount awarded by the Court may be less than, but must in no case exceed, the amount awarded by the Attorney General.

(3) If the applicant has omitted, for any reason which the Court considers sufficient, to make such a claim the amount awarded to the applicant by the Court must not be less than the amount awarded by the Attorney General.

### **Awards to be in writing**

**23.** Every award made under this Part of this Ordinance must be in writing signed by the Judge and must specify—

- (a) the amount awarded under section 14(1)(a)(i);
- (b) the amount (if any) deducted under section 14(1)(a)(ii);
- (c) the amounts (if any) respectively awarded under section 14(1)(a)(iii), (iv) and (v); and
- (d) the grounds upon which such amounts were awarded or deducted.

### **Costs**

**24.** (1) The award and amount of costs of any proceedings under this Part are in the discretion of the Court.

(2) Any costs payable by an applicant may be recovered as if they were costs incurred in a suit in the Magistrate's Court.

### **Attorney General may be directed to pay interest on compensation**

**25.** If the sum which in the opinion of the Court the Attorney General ought to have awarded as compensation is in excess of the sum which the Attorney General did award, the Court may direct that the Attorney General must pay interest on the excess, at a rate prescribed by regulations, from the date on which the Attorney General took possession of the land to the date of the payment of such excess, through the Court or directly to the persons interested.

### **Provisions of Civil Procedure Ordinance applicable**

**26.** Unless inconsistent with anything contained in this Ordinance, the Civil Procedure Ordinance, 1968 applies to all proceedings before the Court under this Ordinance.

## **PART IV**

### **APPORTIONMENT OF COMPENSATION**

## **Determination of apportionment of compensation**

**27.** If the amount of compensation has been settled but there is any dispute as to the apportionment of it, the Court must determine the proportions in which any persons interested are entitled to share in such compensation.

## **Costs of apportionment to be borne by persons interested**

**28.** The costs of all proceedings for apportioning the amount of compensation must be borne by the persons interested in proportions that the Court decides.

## **PART V PAYMENT**

### **Payment of compensation**

**29. (1)** After an award under section 11 has been made, the Attorney General must -

- (a) offer in writing to pay the compensation awarded to the persons interested or entitled to it according to the award; and
- (b) pay it to those persons unless prevented by one or more of the contingencies mentioned in subsection (2).

**(2)** If any of the persons interested do not consent to receive such compensation, or if there is no person competent to alienate the land, or if there is any dispute as to the right to receive the compensation or as to the apportionment of it, the Attorney General must apply *ex parte* to the Judge for an order authorising the Attorney General to deposit the amount of the compensation in court.

**(3)** An application under subsection (2) must be supported by an affidavit.

**(4)** Any person interested, upon providing sufficient security to the satisfaction of the court, may receive payment under subsection (1)(b) under protest as to the sufficiency of the amount and such receipt does not affect the person's right to make application under section 18; but a person who has received such payment not under protest is not entitled to make application under section 18.

**(5)** Notwithstanding subsections (1) to (4), the Attorney General, instead of awarding a monetary compensation in respect of any land, may enter into any arrangement with a person having a limited interest in it in such a way as is equitable having regard to the interests of the parties concerned.

### **Payment of interest**

**30.** If the amount of compensation is not paid or deposited on or before taking possession of the land, the Attorney General must pay the amount awarded, with interest on it at a rate prescribed by regulations, from the time of taking possession until the compensation has been paid or deposited.

**PART VI**  
**TEMPORARY OCCUPATION OF LAND**

**Temporary occupation of land**

**31.** (1) Whenever it appears to the Governor in Council that temporary occupation and use of any land is needed for any public purpose, the Governor in Council may direct the Attorney General to procure the occupation and use of the land for any term, not exceeding 3 years, the Governor in Council thinks fit.

- (2) On being directed under subsection (1), the Attorney General must -
- (a) give notice in writing to the persons interested that the land is required for a public purpose, to be specified in the notice; and
- (b) for the occupation and use of the land and for the materials (if any) to be taken from it pay to the persons such compensation, either in a lump sum of money or by monthly or other periodical payments, as is agreed upon.

(3) If the Attorney General and the persons interested differ as to the sufficiency of the compensation or the apportionment of it, the Attorney General must refer the difference for the decision of the Court.

**Power to enter and take possession of land**

**32.** (1) Having served the notice referred to in section 31(2), the Attorney General may, upon the expiration of 7 days after service of it, enter upon and take possession of the land and use or authorise its use for the purpose specified in the notice.

- (2) On the expiration of the term referred to in section 31(1) the Attorney General must -
- (a) make or tender to the persons interested compensation for the damage, if any, done to the land and not provided for by the agreement; and
- (b) restore the land to the persons interested in it.

(3) If the land has become permanently unfit to be used for the purpose for which it was used immediately before the occupation of it, and if the persons interested so require, the Governor in Council must proceed under this Ordinance to acquire the land as if it was needed permanently for a public purpose.

**Dispute as to condition of land**

**33.** If in respect of land occupied under this Part the Attorney General and the person interested differ as to—

- (a) the condition of the land at the expiration of the term;
- (b) the compensation to be paid under section 32(2); or
- (c) any matter connected with an agreement under section 31(2),

the Attorney General must refer the difference for the decision of the Court, and upon such reference or upon a reference under section 31(3), a Judge in Chambers must decide the dispute.

**PART VII**

## MISCELLANEOUS

### **Service of notices**

- 34.** (1) Service of any notice under this Ordinance must be made by -  
 (a) delivering or tendering a copy of it duly signed to the person to whom the notice is addressed; and  
 (b) publishing it in the *Gazette*.

(2) If the person to whom a notice is addressed cannot be found, service may be made on any adult member of the person's family residing with the person; and if no such adult member can be found the notice may be served by publication in the *Gazette* and by affixing a copy of it in some conspicuous place on the land to be acquired.

(3) If a person required to be served with a notice under this Ordinance is believed to be absent from or ordinarily resident outside St Helena, or if in any other case if the Attorney General or the Court so directs, the notice may be sent by registered post addressed to the person named in it at the person's last known address or place of business, and the service of the notice may be proved by the production of the registration receipt.

### **Offences**

- 35.** It is an offence for a person wilfully to -  
 (a) obstruct any person in the execution of any of the acts authorised by this Ordinance; or  
 (b) fill up, destroy, damage or displace any trench or mark made under section 3.  
 Penalty: A fine of £500 or imprisonment for 6 months, or both.

### **Police to enforce surrender**

**36.** (1) If the Attorney General is opposed or impeded in taking possession of any land under this Ordinance, he or she may refer the matter to a police officer who must enforce the surrender of the land to the Attorney General.

(2) A police officer may use any force ~~as may be~~ necessary to enforce the surrender of the land to the Attorney General.

### **Government not bound to complete acquisition**

**37.** (1) Except in the case provided for by section 32(3), the Government is at liberty to withdraw from the acquisition of any land of which possession has not been taken.

- (2) Whenever the Government withdraws from any such acquisition, the Attorney General must -  
 (a) determine the amount of compensation due for the damage, if any, done to the land and not already paid for under section 4;  
 (b) pay that amount to the person injured; and  
 (c) pay to the persons interested any costs that have been reasonably incurred by them by reason or in consequence of the proceedings for acquisition, together with compensation for the damage or loss, if any, which they have sustained by reason

or in consequence of the proceedings.

**(3)** Section 14 and Part III of this Ordinance apply, so far as may be, to the determination of the compensation payable under this section.

### **Acquisition of part of building**

**38.** **(1)** This Ordinance must not be put in force for the purpose of acquiring a part only of any building which is reasonably required for the full and unimpaired use of the remainder of the building if any person interested desires that the whole of the building be acquired.

**(2)** The question whether a part of any building is reasonably required for the full and unimpaired use of the remainder of the building must, if the parties cannot agree, be referred by the Attorney General to the Court for determination.

**(3)** If any question arises as to whether any land proposed to be taken under this Ordinance does or does not form part of a building which is reasonably required for the full and unimpaired use of the whole building or any part of it within the meaning of this section, the Attorney General must refer the determination of that question to the Court and must not take possession of the land until the question has been determined.

### **Acquisition of whole where compensation claimed for severance is excessive**

**39.** **(1)** If in any case the Governor in Council considers that the portion of the compensation claimed which is attributed to damage caused by the severance of the land to be acquired from other land of the person interested is unreasonable or excessive, the Governor in Council may, at any time before the Attorney General has made an award under section 11, order the acquisition of the whole or any additional part of such land.

**(2)** Acquisition by virtue of subsection (1) does not require a fresh declaration or other proceedings under sections 5 to 11; but the Attorney General must without delay furnish a copy of the order of the Governor in Council to the person interested and must thereafter proceed to make an award under section 11.

### **Exemption from stamp duty, etc.**

**40.** No award or agreement made under this Ordinance is chargeable with stamp duty, and no person claiming under any such award or agreement is required to pay any fee for a copy of the award or agreement.

### **Bar of suites to set aside awards**

**41.** No suit may be brought to set aside an award or apportionment under this Ordinance.

### **Regulations**

**42.** The Governor in Council may make regulations generally for the better carrying out of the provisions of this Ordinance.

**Repeal**

**43.**      *Omitted*

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**LAND ACQUISITION ORDINANCE, 2006**

**LAND ACQUISITION (INTEREST RATE) REGULATIONS, 2006**  
(Section 42)

**Citation and commencement**

1.      These Regulations may be cited as the Land Acquisition (Interest Rate) Regulations 2006 and come into force on 1<sup>st</sup> March 2006.

**Prescribed interest rate**

2.      For the purposes of sections 25 and 30 of the Ordinance, the prescribed rate of interest is 4% per annum.

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