

PARLIAMENT OF CEYLON

1st Session 1953



Requisitioning of Land (Amendment) Act, No. 20 of 1953

Date of Assent : April 7, 1953

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Requisitioning of Land (Amendment) Act, 3
No. 20 of 1953.

L.D.—O. 15/52.

AN ACT TO AMEND THE REQUISITIONING OF LAND ACT,
No. 33 OF 1950.

[Date of Assent: April 7, 1953.]

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

1. This Act may be cited as the Requisitioning of Land (Amendment) Act, No. 20 of 1953.

Short title.

2. Section 3 of the Requisitioning of Land Act, No. 33 of 1950 (hereinafter referred to as the "principal Act") is hereby amended in the Proviso to sub-section (3) of that section, as follows:—

Amendment of
section 3 of
Act No. 33 of
1950.

(1) by the substitution for the words "this Act." at the end of paragraph (b) of the words "this Act; and"; and

(2) by the addition after paragraph (b) of the following new paragraph:—

"(c) the procedure set out in sections 9 to 12 of this Act and in any regulations made under this Act shall apply in relation to any claim for any compensation referred to in paragraph (a) of this Proviso in like manner as though the claim were a claim for compensation under this Act."

3. (1) Section 6 of the principal Act is hereby amended as follows:—

Amendment of
section 6 of
the principal
Act.

(a) by the repeal of sub-section (4), and the substitution therefor of the following new sub-section:—

"(4) Notwithstanding anything in the preceding provisions of this section, the maximum amount of the compensation payable in any case under paragraph (b) of sub-section (1) shall be an amount equal to the market value which the land would have had on the date of the termination of the period for which possession of the land is retained by virtue of this Act, if until that date it had remained in the

original condition in which it was on the date on which possession thereof was first taken by a competent authority under this Act, or on which possession thereof was deemed to be taken by virtue of section 2 of this Act:

Provided, however, that where the competent authority is of opinion—

(a) that, if the land had remained in such original condition, its market value at any time during the period for which possession thereof was retained by virtue of this Act would have been higher than such maximum amount as aforesaid, and

(b) that, having regard to the circumstances referred to in paragraph (a), the limitation of the compensation to such maximum amount would be inequitable,

the competent authority may in his discretion determine that, in addition to the compensation payable under paragraph (b) of sub-section (1), there shall be awarded as special additional compensation an amount not exceeding the difference between (i) the highest market value which the land would have had during the period mentioned in paragraph (a), and (ii) such maximum amount as aforesaid.

No appeal shall lie against a determination by the competent authority of the amount of the special additional compensation to be awarded under the Proviso to this sub-section; and in any case where the amount of the compensation payable under paragraph (b) of sub-section (1) is increased or reduced upon any appeal, the competent authority may in his discretion reduce or increase the amount to be awarded under the Proviso as special additional compensation.”; and

(b) by the insertion, immediately after the new sub-section (4), of the following new sub-section:—

“(4A) Where in the case of any land of which possession is deemed to be taken by virtue of section 2 of this Act, compensation is payable under sub-paragraph (b) of paragraph (1) of regulation 2 of the Defence (Compensation) Regulations, 1941, in respect of any damage to the land which may have occurred during the period for which the land was in the occupation of a competent authority or of any other person under or by virtue of the Defence (Miscellaneous) Regulations as having effect whether before or after February 24, 1946, nothing in this Act shall confer or be deemed or construed to confer any right to compensation in respect of such damage in any amount exceeding the amount payable under that sub-paragraph; and the amount of such compensation shall accordingly be computed separately from the compensation, if any, which may be payable under this Act in respect of any damage to the land which may have occurred during the period for which possession thereof is retained by virtue of this Act.”.

(2) The amendments set out in sub-section (1) of this section shall be deemed to have had effect on and after the date on which the principal Act came into operation.

4. The following new section is hereby inserted in Part II of the principal Act immediately after section 12 of that Act and shall have effect as section 12A thereof:—

Insertion
of new section
12A in the
principal Act.

“Protection
of rights to
compensation
under Defence
Regulations.

12A. (1) If, at the time when the Defence (Compensation) Regulations, 1941, expire or are revoked, there is pending any claim for any compensation payable under those Regulations, in respect of any land of which possession and occupation was not continued after the appointed date under section 3 of this Act, the procedure set out in sections 11 and 12 of this Act shall apply in

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relation to such claim in like manner as though it were a claim for compensation under this Act; and accordingly any proceedings in respect of any such claim which are pending at the aforesaid time of expiration or revocation before a tribunal constituted under the Defence (Compensation) Regulations, 1941, shall, in accordance with regulations which are hereby authorised to be made in that behalf under section 20 of this Act, be transferred to and disposed of by the Board of Review constituted under section 17 of the Land Acquisition Act, No. 9 of 1950.

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(2) For the purposes of enabling the provisions of sub-section (1) of this section and of sub-section (3) of section 3 and of sub-section (4A) of section 6 to have effect, but subject to the aforesaid provisions, section 6 (3) of the Interpretation Ordinance shall, notwithstanding that the Defence (Compensation) Regulations, 1941, may expire or be revoked, apply in all respects as though those Regulations are, on the date of their expiration or revocation, repealed by written law. ”.