



ST. HELENA

(Chapter No. not allocated yet)

LAND ACQUISITION ORDINANCE

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown
[Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

	Page
LAND ACQUISITION ORDINANCE	2
Ordinance 1 of 2006 ... in force on 1 March 2006 Amended by Ord. 2 of 2008 ... in force on 1 December 2008	
LAND ACQUISITION (INTEREST RATE) REGULATIONS	16
Legal Notice 1 of 2006 ... in force on 1 March 2006	

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

LAND ACQUISITION ORDINANCE**ARRANGEMENT OF SECTIONS****SECTION**

1. Short title and commencement

**PART I
PRELIMINARY**

2. Interpretation

**PART II
ACQUISITION—PRELIMINARY INVESTIGATION**

3. Power to enter and survey
4. Payment for damage

Declaration of intended acquisition

5. Declaration that land is required for a public purpose
6. Acquisition of land after declaration
7. Land to be surveyed
8. Power to value land and to negotiate for purchase by private treaty
9. Notice to persons interested
10. Power to require information

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

11. Enquiry and award by Attorney General
12. When award of Attorney General to be final
13. Power to summon and enforce attendance of witnesses, etc
14. Determination of compensation

Taking possession

15. Taking possession in case of urgency
16. Vesting of land in the Crown
17. Appeals against declaration of intended acquisition

**PART III
REFERENCE TO COURT**

18. Reference to Court
19. Attorney General's statement to the Court
20. Service of notice
21. Proceedings before the Court
22. Rules as to amount of compensation

This e-version of the text is not authoritative for use in court.

- 23. Awards to be in writing
- 24. Costs
- 25. Attorney General may be directed to pay interest on compensation
- 26. Provisions of Civil Procedure Ordinance applicable

PART IV
APPORTIONMENT OF COMPENSATION

- 27. Determination of apportionment of compensation
- 28. Costs of apportionment to be borne by persons interested

PART V
PAYMENT

- 29. Payment of compensation
- 30. Payment of interest

PART VI
TEMPORARY OCCUPATION OF LAND

- 31. Temporary occupation of land
- 32. Power to enter and take possession of land
- 33. Dispute as to condition of land

PART VII
MISCELLANEOUS

- 34. Service of notices
- 35. Offences
- 36. Police to enforce surrender
- 37. Government not bound to complete acquisition
- 38. Acquisition of part of building
- 39. Acquisition of whole or any additional part of land where compensation claimed for severance is excessive
- 40. Exemption from stamp duty, etc
- 41. Bar of suits to set aside awards
- 42. Regulations
- 43. Repeal

LAND ACQUISITION ORDINANCE

(Ordinances 1 of 2006 and 2 of 2008)

AN ORDINANCE TO FACILITATE THE ACQUISITION OF LAND FOR PUBLIC PURPOSES.

Commencement

[1 March 2006]

Short title and commencement

1. This Ordinance may be cited as the Land Acquisition Ordinance, 2006, and shall come into force on such day as the Governor may appoint by notice in the *Gazette*.

PART I
PRELIMINARY

Interpretation

2. (1) In this Ordinance—

“**Attorney General**” includes any public officer authorised by him, either generally or specifically, to act on his 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 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; Provided however, that the Governor in Council may by Order declare any other purpose to be a public purpose for the purposes of this definition.

(2)² For the avoidance of doubt, the acquisition of any land shall be 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 an enforcement notice under section 53 of the Land Planning and Development Control Ordinance, 2008, or of any notice requiring the removal or alteration of work under section 53 of that Ordinance or an amenity order under section 60 thereof;

² Section 2(2) inserted by Ord. 2 of 2008

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 shall be published in the Gazette and a copy thereof served upon the owner of such land and the Attorney General shall cause public notice of the substance of such notification to be given at convenient places in such locality, and thereupon the Attorney General in that behalf 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 thereon;
- (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, where otherwise the survey cannot be completed, the levels taken or the boundaries or line of the work marked.

(2) Subsection (1) 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 thereof, without previously giving such occupier at least seven days' notice in writing of his intention so to do.

Payment for damage

4. So soon as conveniently may be after any entry made under section 3 the officer so authorized as aforesaid shall make arrangements for payment to be made for all damage done and, in case of dispute as to the amount to be paid for such damage, he shall at once refer the dispute to the Attorney General whose decision shall be 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 shall be made to that effect under the signature of the Attorney General.

(2) No such declaration shall 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 shall be published in the *Gazette* and shall state—

- (a) the place in which the land is situate;
- (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 so declared to be needed for a public purpose the Governor in Council shall direct the Attorney General to take proceedings for the acquisition of the land in accordance with the provisions of this Ordinance.

Land to be surveyed

7. The Attorney General shall thereupon cause the land, unless such land has already been marked out under section 3, to be surveyed, and a plan thereof made, if no plan exists.

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

8. (1) The Attorney General shall then cause the land to be valued and shall enter into negotiations for the purchase of the land by private treaty.

(2) It shall not be necessary for the Attorney General to await the publication of the declaration under section 5 before entering into negotiations for the purchase of the land by private treaty.

(3) Nothing in this section shall be deemed to prohibit or delay the procedure provided by this Ordinance for compulsory acquisition of land.

Notice to persons interested

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

(2) Every such notice shall state the particulars of the land and shall require all persons interested therein to appear personally or by agent before the Attorney General at a time and place to be specified in such notice, such time not being earlier than twenty-one days after the date of publication of the notice, and to 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. The Attorney General may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Governor in Council shall also cause notice to the same effect to be served on the occupier, if any, of such land and on all persons known or believed to be interested therein, or to be entitled to act for persons so interested, or have agents authorised to receive service on their behalf, provided that if any such person resides elsewhere and has no such agent the notice may be sent to him by registered post if his 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 him within a time to be specified, not being less than thirty days, a statement in writing containing, so far as may be within his knowledge, the name of every other person possessing

any interest in the land or any part thereof as co-owner, mortgagee, lessee, sub-lessee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required under subsection (1) of this section to make any such statement who fails so to do shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £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 may be adjourned, the Attorney General shall enquire—

- (a) into the objections, if any, which any person interested has stated, pursuant to the aforesaid notice, to the survey made under section 7;
- (b) into the value of the land; and
- (c) into the respective interests of the persons claiming the compensation, and shall make an award under his hand as to—
 - (i) the true area of the land;
 - (ii) the compensation which in his opinion should be allowed for the said land;
 - (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land of whose claims he has information, whether or not they have respectively appeared before him.

(2) When the amount of compensation has been settled under subsection (1) of this section, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Attorney General shall refer such dispute for the decision of the Court.

When award of Attorney General to be final

12. (1) Every award shall be filed in the office of the Attorney General and shall, except as hereinafter provided, be 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 shall 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 shall have the power to summon and enforce the attendance of witnesses including the persons interested or any of them, and to 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 shall 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 such 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 his other property (whether movable or immovable) or the actual earnings of such 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 shall 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 it 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) of this section—
- (a) if the market value of land has been increased by means of any improvement made by the owner or his predecessor in interest within two years immediately preceding the service of the notice under section 9(3), such increase shall be disregarded unless it be 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 thereof or of any premises thereon 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 shall 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 such time subsequently to the publication of the notice required by section 9(1) as the Governor in Council may specify, take possession of any land needed for a public purpose.

(2) The Attorney General shall in such case offer to the person's interested compensation for the loss of standing crops, fruit and any other agricultural activity that may have to cease as a result of the loss of possession of the land.

(3) If such offer is not accepted, the value of such crops, fruit or agricultural activity shall 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 any of the provisions of this Ordinance, the land shall vest in the Crown from the date of such entry into possession, and a notice to that effect shall be published in the *Gazette* by the Attorney General.

Appeal against declaration of intended acquisition

17. (1) Any person, who claims to be or claims that, if the proceedings for the acquisition of any particular land are continued, he will be an interested person, may appeal to the Court against the decision to acquire that particular land. Such 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 referred to in section 5 and before the award of any compensation by the Attorney General becomes final under the provisions of 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 in this Ordinance 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 which the Chief Justice is hereby empowered to make, relating to appeals made under this section, any such appeal shall be commenced by filing in the Court a notice of appeal setting out the grounds upon which the appeal is made, and the Court shall thereupon cause a copy of the notice to be served upon the Attorney General and any other person interested or person who appears to the Court to be likely to be affected by the decision in the appeal. The Court shall also 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 shall make a declaration to that effect setting out the grounds for the decision. If the appeal is allowed upon grounds referred to in paragraph *(a)* of subsection (1) of this section, the Governor in Council shall 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 shall not be bound to discontinue the proceedings for the acquisition of the land concerned if he is satisfied that in the public interest the acquisition of the particular

land is preferable to the alternative site proposed by the appellant. If the Court allows the appeal upon the grounds referred to in paragraph (b) of subsection (1) of this section, the Governor in Council shall 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 his 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 shall state specifically the grounds on which objection to the award is taken and at the hearing no other grounds shall be given in argument without the leave of the Court.

(3) Every such application shall 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 six weeks from the date of the Attorney General's award;
- (b)** in other cases, within six weeks of the actual receipt of the notice from the Attorney General under section 12(2) or within twelve months from the date of the Attorney General's award, whichever shall first expire.

(4) The periods within which an application for reference to the Court shall be made shall be not capable of enlargement by the Court.

Attorney General's statement to Court

19. (1) In making the reference the Attorney General shall state for the information of the Court in writing under his hand—

- (a)** the situation and extent of the land with particulars of any trees, buildings or standing crops thereon;
- (b)** the names of the persons whom he has reason to think are interested in such 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 be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the statement required under subsection (1) of this section shall be attached 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. The Court shall thereupon cause to be served upon—

- (a)** the applicant;
- (b)** all persons interested in the objection, except such, if any, of them as have 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 such day.

Proceedings before the Court

21. (1) All proceedings before the Court under the provisions of this Ordinance shall take place in open Court.

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

Rules as to amount of compensation

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

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

(3) Where the applicant has omitted, for any reason which the Court may consider sufficient, to make such claim the amount awarded to him by the Court may 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 shall be in writing signed by the Judge and shall 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 costs of any proceedings under this Part of this Ordinance shall be 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 shall pay interest on such excess at such rate as

may be prescribed by regulations from the date on which he took possession of the land to the date of the payment of such excess to the Court or to the persons interested.

Provisions of Civil Procedure Ordinance applicable

26. Save in so far as they may be inconsistent with anything contained in this Ordinance, the provisions of the Civil Procedure Ordinance shall apply to all proceedings before the Court under this Ordinance.

PART IV APPORTIONMENT OF COMPENSATION

Determination of apportionment of compensation

27. When the amount of compensation has been settled and there is any dispute as to the apportionment thereof, the Judge shall 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 shall be borne by such of the persons interested in such proportions as the Judge shall determine.

PART V PAYMENT

Payment of compensation

29. (1) After an award under section 11 has been made, the Attorney General shall offer in writing to pay the compensation awarded by him to the persons interested or entitled thereto according to the award, and shall pay it to such persons unless prevented by one or more of the contingencies mentioned in subsection (2) of this section.

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

(3) Every application under subsection (2) of this section shall be supported by an affidavit.

(4) Any person interested, upon providing sufficient security to the satisfaction of the Court, may receive such payment under protest as to the sufficiency of the amount and such receipt shall not be deemed to prejudice his right to make application under section 18:

Provided, however, that no person who has received such payment otherwise than under protest shall be entitled to make application under section 18.

(5) Notwithstanding anything in this section, 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 therein in such a way as may be equitable having regard to the interests of the parties concerned.

Payment of interest

30. When the amount of compensation is not paid or deposited on or before taking possession of the land, the Attorney General shall pay the amount awarded with interest thereon at such rate as may be prescribed by regulations from the time of taking possession until it 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 he may direct the Attorney General to procure the occupation and use of the same for such term not exceeding three years as he thinks fit.

(2) The Attorney General shall thereupon give notice in writing to the persons interested that the land is required for a public purpose to be specified in the notice and he shall for the occupation and use thereof and for the materials (if any) to be taken therefrom pay to such persons such compensation either in a lump sum of money or by monthly or other periodical payments, as shall be agreed upon.

(3) In case the Attorney General and the persons interested differ as to the sufficiency of the compensation or the apportionment thereof the Attorney General shall refer such difference for the decision of the Court.

Power to enter and take possession of land

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

(2) On the expiration of the term referred to in section 31(1) the Attorney General shall 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 shall restore the land to the persons interested therein.

(3) If the land has become permanently unfit to be used for the purpose for which it was used immediately before the occupation thereof, and if the persons interested shall so require, the Governor shall 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. Where the Attorney General and the person interested differ—
(a) as to the condition of the land at the expiration of the term; or
(b) as to the compensation to be paid under section 32(2); or
(c) as to any matter connected with the agreement,
the Attorney General shall refer such difference for the decision of the Court, and upon such reference or upon a reference under section 31(3), the Judge in Chambers shall decide the dispute.

PART VII
MISCELLANEOUS

Service of notices

34. (1) Service of any notice under this Ordinance shall be made by delivering or tendering a copy thereof duly signed to the person to whom such notice is addressed and by publication thereof in the *Gazette*.

(2) When such person cannot be found, the service may be made on any adult member of his family residing with him; and if no such adult member can be found the notice may be served by publication in the *Gazette* and by affixing a copy thereof in some conspicuous place on the land to be acquired:

Provided that, in any case in which a person required to be served with a notice under the provisions of this Ordinance is believed to be absent from or ordinarily resident outside the Island or in any other case if the Attorney General or the Court so directs, such notice may be sent by registered post addressed to the person named therein at his 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. Every person who wilfully obstructs any person in the execution of any of the acts authorised by this Ordinance or who wilfully fills up, destroys, damages or displaces any trench or mark made under section 3 shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding £500.

Police to enforce surrender

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

(2) A police officer may use 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 shall be 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 shall determine the amount of compensation due for the damage, if any, done to such land and not already paid for under section 4, and shall pay such amount to the person injured, and shall pay to the persons interested all such costs as 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 such proceedings.

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

Acquisition of part of building

38. (1) The provisions of this Ordinance shall 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 such building if any person interested desires that the whole of such building shall 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 shall, 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 thereof within the meaning of this section, the Attorney General shall refer the determination of such question to the Court and shall not take possession of such land until the question has been determined.

Acquisition of whole or any additional part of land where compensation claimed for severance is excessive

39. (1) Where 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, he may at any time before the Attorney General has made his award, order the acquisition of the whole or any additional part of such land.

(2) No fresh declaration or other proceedings under sections 5 to 11 (both inclusive) shall be necessary; but the Attorney General shall without delay furnish a copy of the order of the Governor in Council to the person interested and shall thereafter proceed to make his award under section 11.

Exemption from Stamp Duty, etc

40. No award or agreement made under this Ordinance shall be chargeable with Stamp Duty, and no person claiming under any such award or agreement shall be required to pay any fee for a copy of any such award or agreement.

Bar of suites to set aside awards

41. No suit shall 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. The Lands Acquisition Ordinance, Cap. 67, is repealed.

LAND ACQUISITION (INTEREST RATE) REGULATIONS*(Legal Notice 1 of 2006)***Citation and commencement**

1. These Regulations may be cited as the Land Acquisition (Interest Rate) Regulations 2006 and shall come into force on the 1st day of March 2006.

Prescribed interest rate

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