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LEGISLATURE
Public Buildings,
Georgetown, Demerara.
28th February, 1957.

The following Bill to be introduced in the Legislative Council is published for general information.

I. CRUM EWING,
Clerk of the Legislature.

BILL No. 3 of 1957.

THE ACQUISITION OF LAND (LAND SETTLEMENT)
BILL, 1957.

ARRANGEMENT OF SECTIONS.

Section.	
1	Short title.
2	Interpretation.
3	Power of Governor in Council to declare a land settlement scheme a public work under section 3 of Chapter 179.
4	Modification of application of Chapter 179 when land required for land settlement scheme.
5	Method of assessment of compensation.
6	Appointment of commissioners, etc.
7	Repeal of Chapter 180.

A BILL
Intituled

AN ORDINANCE TO REPEAL AND RE-ENACT THE ACQUISITION OF LAND (LAND SETTLEMENT) ORDINANCE.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Acquisition of Land (Land Settlement) Ordinance, 1957. Short Title.
2. In this Ordinance —
“land settlement scheme” includes any project intended to secure land for the establishment of farmers as an organised settlement or for distribution by sale, lease or otherwise to persons individually for agricultural purposes. Interpretation.

Power of Governor in Council to declare a land settlement scheme a public work under section 3 of Chapter 179. Cap. 179.

3. Subject to the provisions of section 6 of this Ordinance, it shall be lawful for the Governor in Council, by order published in the Gazette under section 3 of the Acquisition of Lands for Public Purposes Ordinance (hereinafter referred to as the Principal Ordinance), to declare any land settlement scheme to be a public work for the purposes of the aforesaid Ordinance, and thereafter the provisions of that Ordinance shall subject to the modifications hereinafter stated, apply in relation to the acquisition of any land for the purposes of such schemes.

Modification of application of Chapter 179 when land required for land settlement scheme.

4. When an order made under section 3 of the Principal Ordinance and section 3 of this Ordinance has declared a land settlement scheme to be a public work, then in relation to the acquisition of any land required for the purposes of such scheme —

(a) subsection (1) of section 5 of that Ordinance shall have effect as if the following paragraphs were added thereto—

“(d) to set out the boundaries of the land proposed to be taken;

(e) to do all such other acts as may be incidental to or necessary for any of the purposes aforesaid.”;

(b) the proviso to subsection (1) of section 7 of the Ordinance aforesaid shall have effect as if for the words “for the public work for which the land is required” therein appearing there were substituted the following words —

“to pay the purchase price or compensation for the land required.”; and

(c) the provisions of sections 19 and 22 of the Ordinance aforesaid shall not have effect.

Method of assessment of compensation.

5. (1) The provisions of section 18 of the Principal Ordinance in so far as they relate to matters which the Court may take into consideration shall not have effect, and in assessing the amount of compensation payable to the owners of land or any interest therein acquired compulsorily under the provisions of this Ordinance, regard shall be had to the following provisions, that is to say —

(a) either the capitalized value of the net annual income which would be derived from the use of the land for agriculture after deducting the estimated capital expenditure on improvements required to bring the land into a state fit for use as aforesaid or, the price paid for the land (exclusive of any buildings, plant and machinery on the land) by the person who owned the land on the 1st July, 1955, whichever is the greater;

(b) the market value of any buildings, plant, machinery on the land having regard to the general conditions, state of repair and fitness for use of such buildings, plant and machinery.

(2) For the purposes of subsection (1) of this section the net annual income and the capitalized value of such income shall be determined in accordance with the principles set out in the schedule to this Ordinance.

Schedule.

Appointment of commissioners, etc.

6. (1) Before an order is made under section 3 of the Principal Ordinance and section 3 of this Ordinance the Governor, acting in his discretion may by notice published in the Gazette, issue a commission appointing two or more commissioners to determine by investigation whether or not, having regard to the reasonable requirements of the owner of the land in respect of which it is sought to make an order as aforesaid for utilization of the said land for agriculture, the said land should properly be acquired for a land settlement scheme.

(2) Subject to the provisions of subsection (4) of this section, commissioners appointed as aforesaid shall have all the powers, duties and obligations of, and shall for all purposes be deemed to be, commissioners appointed under the Commissions of Inquiry Ordinance.

(3) Any person whose interests are, or may be prejudicially affected shall be entitled to be heard by himself or counsel or solicitor before such commissioners.

(4) The report of the commissioners to the Governor shall published in the Gazette.

(5) If the commissioners report to the Governor that any land in respect of which it is sought to make an order or any part of such land should not properly be acquired for a land settlement scheme, it shall not be lawful for the Governor in Council to make an order with respect to such land or part thereof as the case may be.

Cap. 59.

7. (1) Anything in the provisions of the Principal Ordinance to the contrary notwithstanding, where any order has been made under the provisions of section 3 of the Principal Ordinance and section 3 of this Ordinance, the Governor in Council may, where he considers it expedient so to do, by order published in the Gazette, declare that the land described in such order shall be held by the Colony on a lease subject to such terms and conditions as may be specified in such order.

Power to
acquire land
by lease.

(2) Upon the expiration of thirty days after the publication of any order made under subsection (1) of this section, the land described in such order shall be deemed to have been leased to the Colony on the terms and conditions specified in such order.

(3) The compensation to be paid in respect of such land shall be an annual rent equivalent to the amount of the estimated net annual income derived from the use of the land for agriculture determined as at the date of the acquisition of the land in accordance with the principles set out in the schedule to this Ordinance.

Schedule.

(4) The powers conferred upon the Governor in Council by this section shall be in addition to, and not in derogation of any other power conferred upon him by the Principal Ordinance and this Ordinance, and notwithstanding the exercise of the power conferred by this section in respect of any land, the Governor in Council may at any subsequent time exercise in respect of such land any other power conferred upon him by the Principal Ordinance and this Ordinance.

8. (1) Where any land acquired under the provisions of the Principal Ordinance and of this Ordinance is sold or leased to any person for the purposes of any land settlement scheme —

Conditions
relating to
land sold or
leased.

(a) the purchaser or lessor as the case may be, shall not sell, lease, let, sub-let, charge or encumber such land without the consent of the Governor in Council, and any sale, lease, letting, sub-letting, charge or encumbrance in contravention of the provisions of this section shall be void and of no effect;

(b) such land, or the lessor's interest therein as the case may be, shall not be liable to be taken in execution in pursuance of any judgment of any court except at the instance of the Commissioner of Lands and Mines in respect of any debt owing to, or obligation arising under any guarantee by, the Colony.

(2) The provisions of paragraphs (a) and (b) of subsection (1) of this section shall be set out in every transport or lease relating to any land acquired under the provisions of the Principal Ordinance and of this Ordinance which is sold or leased for the purposes of a land settlement scheme.

9. The Acquisition of Land (Land Settlement) Ordinance is hereby repealed.

Repeal of
Chapter 180.

SCHEDULE

Sections 5(2) and 7(3).

Principles for determining the net annual income from the use of land for agriculture and the capitalized value of such income.

The net annual income from the use of land for agriculture shall be the estimated net annual income that can be derived from the land by average efficient farmers engaged in the cultivation of crops, in animal husbandry or both in accordance with normal standards and practices in the Colony having regard to the position and character of the land.

2. In order to arrive at the estimated net annual income there shall be deducted from the estimated gross annual income all expenses (other than land rent and capital expenditure) that would necessarily be incurred in the production of the income. The amount of the gross income as aforesaid shall be computed on the basis of the price for farm products that can be expected to be produced from the use of the land on the basis of prices ruling at the date of the compulsory acquisition of the land.

3. For the purposes of paragraph 2 above, the expenses that would necessarily be incurred in the production of the income shall include, in addition to all other working expenses, reasonable remuneration for the work performed by the farmer or any other person in the production of the income together with interest calculated at the rate of 6 per centum per annum on the estimated capital expenditure on improvements required to bring the land into a state fit for use for agriculture and on the estimated average annual capital value of the stock and equipment required to be used in the farming operations.

4. In the case of land which is, or would after improvements effected be, rice land as defined by the Rice Farmers (Security of Tenure) Ordinance, 1956, the estimated net annual income per acre therefrom shall in any

No. 31 of
1956.

event not be less than the net amount that would accrue to the owner from the rental of such rice land after deducting from the current appropriate maximum basic rent under the provisions of the aforesaid Ordinance interest at 6 **per centum** per annum on the estimated capital expenditure required to bring the land into a state fit for rice cultivation.

5. The capitalized value of the net annual income from the use of land for agriculture shall be deemed to be the sum which if invested at interest at the rate of 6 **per centum** per annum would yield annual interest equivalent to such net annual income.

OBJECTS AND REASONS

This bill is being introduced in substitution for the bill (No. ^{21 1956}~~35 of 1955~~) published in the Official Gazette of 23rd July, 1955 which passed its first reading in the Legislative Council on 11th August, 1955, but which is now being withdrawn. The bill seeks to repeal and re-enact the Acquisition of Land (Land Settlement) Ordinance (Chapter 180) and to provide the procedure and compensation payable in respect to the acquisition of land for land settlement, land development and land distribution. 21st April, 1956

2. Clause 3 seeks to empower the Governor in Council to declare a land settlement to be a public work within the meaning of the Acquisition of Land for Public Purposes Ordinance (Chapter 179).

3. Clause 4 seeks to make provisions for the modification of the application of certain provisions of the Acquisition of Lands for Public Purposes Ordinances when an Order referred to above has been made.

4. Clause 5 seeks to provide for the assessment of compensation which is payable to the owner of any land required under the provisions of this Ordinance.

5. Clause 6 provides for the appointment of Commissioners for the purposes set out therein and for their powers, duties and obligations.

6. Clause 7 seeks to provide for the acquisition of land by lease, and for the payment of compensation in connection therewith.

7. Clause 8 seeks to provide for the prior consent of the Governor in Council for dealings in any land acquired under the provisions of this ordinance which are sold or leased to other persons and to provide that such land or any interest therein shall not be liable to be taken in execution.

E. F. Mc DAVID,

Member for Agriculture, Forests, Lands
and Mines

Leg. Bill No. 3/1957.