

Bill No. 21 of 1956

(First Published on 23rd July, 1955).

ARRANGEMENT OF SECTIONS.

Section

- 1. Short Title.
- 2. Amendment of Section 3 of the Principal Ordinance to provide for the assessment of compensation in respect of land compulsorily acquired.

A BILL
INTITULED

AN ORDINANCE TO MAKE FURTHER PROVISIONS FOR THE ACQUISITION OF LANDS TO BE USED FOR THE PURPOSES OF LAND SETTLEMENT.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Acquisition of Land (Land Settlement) (Amendment) Ordinance, 1956, and shall be construed and read as one with the Acquisition of Land (Land Settlement) Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short Title.

Cap. 180.

2. Section 3 of the Principal Ordinance is hereby amended—

- (a) by the insertion of a semi-colon at the end of paragraph (b); and
- (b) by the addition after paragraph (b) of the following new paragraphs —

Amendment of Section 3 of the Principal Ordinance.

“(c) the provisions of section 18 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—

- (i) the value of the land ascertained by reference to prices current on the 31st March, 1939, or the price actually paid for the land by the person who owned the land on the 1st July, 1955, whichever is the greater;
 - (ii) the current value of any existing improvements on the land which have been made by the owner after the 31st March, 1939, or after such later date on which the owner may have purchased the land as the case may be;
 - (iii) the current value of any buildings, plant and machinery on the land having regard to the general condition, state of repair and fitness for use of such buildings, plant and machinery;
- (d) (i) there shall be added to the value of the land ascertained in accordance with the provisions of subparagraph (i) of paragraph (c) hereof such percentage of the said value as may from time to time be prescribed by Order of the Governor in Council;
- (ii) such Order may be made generally, or in relation to a particular locality, or in relation to a particular parcel of land, and the percentage to be added with respect to any land the value of which has been ascertained by reference to the price actually paid by the owner may be prescribed at a uniform rate *per centum* for each year of the period after the 31st March, 1939, during which land has been owned by the owner.”

OBJECTS AND REASONS

It has become urgently necessary for the Government to acquire land for the purposes of land settlement in order to meet the needs of the increasing rural population. There are many areas of land in private ownership which are abandoned or uncultivated or only partially beneficially occupied and it is proposed to acquire such land in suitable cases in order to establish land settlement schemes.

2. The Acquisition of Land (Land Settlement) Ordinance, Chapter 180, confers power on the Governor in Council to declare any land settlement scheme to be a public work for the purposes of the Acquisition of Lands for Public Purposes Ordinance, Chapter 179, and to apply the provisions of Chapter 179 with respect to compulsory acquisition subject to certain modifications of these provisions set out in Chapter 180.

3. The powers referred to above are inadequate inasmuch as the modifications contained in Chapter 180 do not include specific suitable provisions for determining the value of land under prevailing conditions.

4. The object of this Bill is to include by amendment of Chapter 180 provisions for the determination of compensation with respect to the value of land to be acquired compulsorily for land settlement purposes analogous to those prescribed with respect to the compulsory acquisition of land for housing, slum clearance or re-development of areas under the Housing Ordinance, Chapter 182.

5. Clause 2 of the Bill sets out the desired provisions. Briefly stated, in assessing compensation regard is to be paid to the value of the land by reference to prices current on 31st March, 1939, or to the price actually paid by the person who is the owner of the land on 1st July, 1955, whichever is the greater. The value so determined is to be increased by a percentage of such value prescribed by Order of the Governor in Council and the powers of the Governor in Council in prescribing such percentage are set out. The Compensation payable is also to include the current value of existing improvements effected by the owner since 31st March, 1939, or after the purchase of the land by him if such purchase was effected after 31st March, 1939. The compensation payable is further to include the current value of any buildings on the land.

E. F. McDAVID,
Member for Agriculture, Forests,
Lands and Mines.

(Leg. Bill No. 21 of 1956).

