

CHAPTER 352.

ACQUISITION OF LAND
(U.S.A. AIR AND NAVAL BASES).

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Power of Governor in Council to acquire certain lands.
3. Power of Governor in Council to require such areas to be evacuated within specified period.
4. All dealings in land described in order prohibited.
5. Appointment of claims settlement officers.
6. Claimants to forward information to claims settlement officer.
7. Assessment of compensation.
8. Payment of compensation.
9. Registration of title.
10. Right to enter opposition to apply to compensation only.
11. Power of magistrate to assess amount of compensation when claimant declines to accept offer of claims settlement officer.
12. Right of appeal from decision of magistrate.
13. Offences and penalty.
14. Prosecutions.
15. Provisions of this Ordinance to apply to any additional land expropriated under subsection (3) of section 2.

CHAPTER 352.

ACQUISITION OF LAND
(U.S.A. AIR AND NAVAL BASES).

31 of 1940. **An Ordinance to provide for the immediate vesting of certain lands in the Colony and for purposes connected therewith.**

[28TH DECEMBER, 1940.]

Short title. 1. This Ordinance may be cited as the Acquisition of Land (U.S.A. Air and Naval Bases) Ordinance.

Power of Governor in Council to acquire certain lands. 2. (1) The Governor in Council shall have power to declare, by order, the boundaries of such areas of land in the Colony as may be agreed upon by Her Majesty's Government in the United Kingdom for use by the Government of the United States of America as air and naval bases.

(2) With effect from the date of any order made under this section, or with effect from such later date as may be specified in any such order, the land comprised within the boundaries

described therein shall vest in the Colony as colony land free from incumbrances.

(3) The Governor in Council shall have power at any time to vary any order made under this section.

3. In any order made under the last preceding section the Governor in Council shall have power—

Power of Governor in Council to require such areas to be evacuated within specified period.

(a) to require all persons resident, or being, within the area described therein to leave such area within a specified period of time;

(b) subject to any exceptions which may be prescribed in any order, to prohibit the entry of any person into any area described therein after a specified date.

4. (1) With effect from the date of any order made under section 2 of this Ordinance no transport or mortgage shall be advertised, passed or registered, and no contract entered into, relating to the whole, or any part, of the land described in such order.

All dealings in land described in order prohibited.

(2) Any transport, mortgage or contract passed, registered or entered into in contravention of any provision of this section shall be null and void.

5. (1) The Governor shall, for the purposes of this Ordinance, appoint one or more officers (hereinafter referred to as "claims settlement officers") who shall, subject to the provisions of subsection (2) of section 7 of this Ordinance, have full power to assess and pay compensation in respect of—

Appointment of claims settlement officers.

(a) all land expropriated by any order made under this Ordinance;

(b) all buildings erected upon such land;

(c) all improvements made to such land;

(d) all crops growing on such land; and

(e) any damage incurred by the occupiers of any land adjoining land expropriated by any order made under this Ordinance.

(2) The Governor may assign such number of claims settlement officers to each area described in any order made under section 2 of this Ordinance as he may consider necessary.

Claimants to forward information to claims settlement officer.

6. (1) As soon as conveniently possible after being assigned to any area the claims settlement officer or, if more than one such officer be assigned to any area, then the senior of such officers, shall cause a notice to be published in the Gazette and in two local daily newspapers inviting all persons having any claim (hereinafter referred to as "claimants") under the last preceding section to supply him with the information required by the subsection next following and a copy of such notice shall be served on the occupier of each house within the area described in the order.

(2) The information to be supplied by each claimant shall be the following—

(a) name and address;

(b) description of plot (if any);

(c) nature of damage in respect of which compensation is being claimed; and

(d) nature of title to the land within, or adjoining, the area described in the order occupied by claimant (if any).

(3) If personal service of any notice under subsection (1) of this section is not reasonably possible such notice shall be affixed to the occupier's house in a conspicuous position.

Assessment of compensation.

7. (1) A claims settlement officer shall assess the compensation to be paid to each claimant and shall inform him of the amount so assessed.

Cap. 179.

(2) The provisions of sections 18, 19 and 20 of the Acquisition of Lands for Public Purposes Ordinance shall apply for the purpose of assessing compensation to be paid under this Ordinance as though those sections were set out in full in, and formed Part of, this Ordinance.

(3) A claims settlement officer may at any time before payment of compensation to any person vary any assessment made in respect of the loss or damage suffered by that person.

Payment of compensation.

8. Any claimant accepting an offer made by a claims settlement officer under subsection (1) of section 7 of this Ordinance shall be paid by the claims settlement officer the sum so accepted.

Registration of title.

9. When any order is made under section 2 of this Ordinance the Chief Secretary shall cause a certified true copy thereof, together with a plan certified by a qualified surveyor whereon the land described in the said order is marked or delineated, to be deposited in the Deeds Registry and the Registrar of

Deeds shall forthwith register the title in the same manner as if transport had been advertised and passed notwithstanding any entry of opposition.

10. (1) Any person who would have a right to oppose if transport of the land were about to be passed by the owner thereof shall have the same right to enter opposition to registration under the preceding section but that opposition shall be deemed to apply only to the payment of the compensation to the parties interested.

Right to enter opposition to apply to compensation only.

(2) When the matters alleged in the opposition are disputed by any persons claiming the compensation or any part thereof, the person so claiming may enter a defence to the opposition and thereafter the proceedings shall continue as in ordinary opposition suits; and the Court shall have full power to make any order in relation to the opposition suit, both as to granting time or otherwise appearing to the Court to be necessary in order to have the questions at issue between the parties determined.

11. (1) Where any claimant declines to accept any offer made by the claims settlement officer under subsection (1) of section 7 of this Ordinance he may lodge a plaint in the magistrate's court of the judicial district within which the land is situated claiming such sum as he considers equitable and the magistrate shall assess the amount of compensation to be paid in accordance with the provisions of this Ordinance.

Power of magistrate to assess amount of compensation when claimant declines to accept offer of claims settlement officer.

(2) For the purposes of this section the magistrate shall have the same powers, authority and jurisdiction, and the procedure shall be the same, as if the matter were a proceeding to recover a debt in a magistrate's court without limit as to amount.

12. If either the claimant or a claims settlement officer is dissatisfied with the decision of a magistrate under the last preceding section an appeal may be made by the dissatisfied party in the manner, and subject to the conditions, provided by the Summary Jurisdiction (Appeals) Ordinance in regard to civil causes.

Right of appeal from decision of magistrate.

Cap. 17.

13. (1) Any person who—

(a) contravenes any provision included in any order by virtue of the powers conferred by section 3 of this Ordinance; or

Offences and penalty.

(b) wilfully hinders or obstructs any person in the execution of his duty under this Ordinance;
shall be guilty of an offence.

(2) Any person who commits an offence under this Ordinance shall on conviction be liable to pay a fine not exceeding one hundred dollars.

Prosecutions.

14. All prosecutions and proceedings for offences under this Ordinance may be instituted under the Summary Jurisdiction Ordinances.

Provisions of this Ordinance to apply to any additional land expropriated under subsection (3) of section 2.

15. Where by the variation of any order under subsection (3) of section 2 of this Ordinance any additional land becomes vested in the Colony the provisions of this Ordinance shall, *mutatis mutandis*, apply in relation to that land as it applies to the land described in the original order.
