

SCHEDULES

SECOND SCHEDULE

Section 8.

COMPULSORY ACQUISITION OF CERTAIN PROPERTY

PART I

PROCEDURE FOR ACQUISITION

- 1 Where the Minister proposes to acquire any articles under section eight of this Act, he shall serve upon the person appearing to him to be the owner thereof a notice in writing (hereinafter in this Act referred to as a "notice of acquisition") specifying the articles to be acquired and requiring that person to make to the Minister within a time specified in the notice a written declaration containing such particulars as may be so specified as to the ownership of those articles and as to any agreement or charge by virtue of which any other person has an interest in any of those articles.
- 2 Upon the service of a notice of acquisition under the last foregoing paragraph no article to which the notice relates shall be removed from the premises in which the article is situated at the time of the service of the notice without the consent of such person as is specified in the notice; and if any person knowingly removes, or causes or permits to be removed, any article in contravention of this paragraph, he shall be guilty of an offence under this Act.
- 3 If it appears to the Minister in consequence of any written declaration made to him in pursuance of paragraph I of this section or otherwise that any person other than the person on whom the notice of acquisition was served is the owner of, or has any interest in, the articles to which the notice relates, he shall serve a copy of the notice of acquisition on that other person.
- 4 A notice of acquisition shall contain a statement to the effect that an objection may be made thereto within such time (not being less than twenty-eight days) and in such manner as may be specified in the notice, and if any such objection is duly made and not withdrawn, the Minister shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Minister for the purpose, and, if the person making the objection avails himself of that opportunity, the Minister may afford to any other persons to whom it appears to him expedient to afford it an opportunity of being heard on the same occasion.
- 5 If any such objection is duly made, the Minister shall, after considering any such objection which is not withdrawn and the report of the person appointed by him under the last foregoing paragraph, serve on the persons upon whom the notice of acquisition or a copy thereof was served a further notice in writing either withdrawing the notice of acquisition or confirming the said notice as respects all the articles to which it relates or such of those articles as may be specified.
- 6 Any article with respect to which a notice of acquisition is served under this Part of this Schedule shall—

Status: This is the original version (as it was originally enacted).

- (a) if no objection is duly made to the notice, vest in the Minister at the expiration of the time for making such an objection;
- (b) if such an objection is duly made and the notice is confirmed as respects that article by a notice served under the last foregoing paragraph, vest in the Minister on the service of the last-mentioned notice ;

and shall in either case vest free of any mortgage.

PART II

COMPENSATION

- 1 Where compensation is payable under section eight of this Act in respect of any article, the compensation shall be a sum equal to the price which the owner thereof might reasonably have been expected to obtain upon a sale thereof effected by him immediately before the date of the service of the notice of acquisition, and shall accrue due on that date, and shall, subject to the following provisions of this Schedule, be paid to the owner.
- 2 Any dispute as to whether any compensation is payable as aforesaid or as to the amount of such compensation or the persons to whom it is payable, shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.
- 3 Any compensation payable as aforesaid shall carry interest, as from the time at which it accrues due, until payment, at such rate as the Treasury may from time to time by order prescribe.
- 4 Where, immediately before the service of the notice of acquisition relating to any article in respect of which compensation is payable as aforesaid, it was in the possession of some person other than the owner by virtue of a hire purchase agreement or was subject to a mortgage, the said person or the mortgagee, as the case may be, may, by a notice served on the Minister, make a claim to have apportioned to him such part of the compensation as may be specified in his claim; and in default of agreement between the parties the last mentioned claim shall be determined by such an arbitrator as aforesaid who may apportion the compensation between them in such manner as appears to him to be just.
- 5 Where any compensation is paid to a mortgagee under the last foregoing paragraph, he shall be liable to account therefor as if the compensation were proceeds of sale of the article in question arising under a power of sale exercised by the mortgagee at the material time and the interest on that compensation were interest on those proceeds.
- 6 In this Schedule the expression " hire, purchase agreement " has the same meaning as in the Hire Purchase Act, 1938 ; the expression "mortgage " includes any pledge, lien or other similar obligation, and the expression " mortgagee " shall be construed accordingly ; and the expression " owner " means, in relation to any article, the person entitled to sell the article", it being assumed not to be subject to any mortgage.