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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1596/12 - 2009 අප්‍රේල් 07 වැනි අඟහරුවාදා - 2009.04.07

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(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

LAND ACQUISITION ACT, No. 09 OF 1950

REGULATIONS imposed by the Minister of Land and Land Development under Section 63(2)(f) of the Land Acquisition Act, No. 09 of 1950 and approved by the Parliament of Sri Lanka on 17th March, 2009.

These regulations are effective for the acquisition where intention of acquisition is published under Land Acquisition Act, on or after 17.03.2009.

JAYALATH R. W. DISSANAYAKE,
Secretary

Ministry of Land and Land Development.

Colombo,
06th April, 2009.

Regulations

These regulations may be cited as the Land Acquisition Regulations, 2008.

The basis of assessing the market value of any land or the compensation for any injurious affection caused by the acquisition of any land under this Act.

(1) Market Value should be assessed as given under :-

- 1.1 In the case of land where part of a land is acquired and when its value as a separate entity deems to realize a value proportionately lower than the Market Value of the main land the compensation should be proportionate to the value of the main land.
- 1.2 Where at the date of intension to acquire was published, the building is used for occupation and or business purposes or is intended to be used for occupation and or business purposes, the difference between the cost of re-construction and the value of building, based for determination of Market Value under Section 1.1, should be paid as an additional compensation.

1.3 Value based on development potential could be considered for paddy lands acquired where permission to fill such lands have been granted by the Agrarian Services Commissioner General.

1.4 When an acquired building is occupied by a tenant /statutory tenant protected under the provisions of the Rent Act, No. 7 of 1972 (as amended thereafter) the compensation should be ascertained in proportion having regard to the provisions of Rent (Amendment) Act, No. 26 of 2006.

(2) Injurious affection and Severance—

Damage caused by any severance and injurious affection should be allowed fully.

(3) Payment of Disturbances and Other Expenses—

To fulfill the requirement of the definition of compensation, in addition to the compensation under Section 1 and 2 above, which are based on the “market value”, compensation for Disturbance based on the “value to owner” basis should be paid under following Sub-headings, after taking into consideration the written claims made.

- 3.1 Expenses incurred for appearing for Section 9 inquiry ;
- 3.2 Expenses for finding alternative accommodation ;
- 3.3 Cost incurred in change of residence ;
- 3.4 Cost of advertising ;
- 3.5 Refixing cost of fixtures and fittings ;
- 3.6 Expenses incurred for transport ;
- 3.7 Loss of earnings from business (within the limits given in prevailing Act) ;
- 3.8 Increased overhead expenses ;
- 3.9 Double payments ;
- 3.10 All other expenses to the owner due to the acquisition ;
- 3.11 Any other additional expenses for disturbance or compensation not connected under any other Sub-section of this Act which is directly not connected to market value of the land ;
- 3.12 When an owner of a house or of an investment property displaced, additional 10% payment based on market value.