

BERMUDA STATUTORY INSTRUMENT

SR&O 59/1971

**ACQUISITION OF LAND (COMPULSORY PURCHASE) (FORMS)
REGULATIONS 1971**

*[made under section 25 of the Acquisition of Land Act 1970 [title 19 item 2]
and brought into operation on 13 September 1971]*

Prescribed forms

1 The forms set out in the Schedule hereto or forms substantially to the like effect shall be the forms used for the purpose of Part III of the Acquisition of Land Act 1970 [title 19 item 2], in the cases to which those forms are applicable.

**ACQUISITION OF LAND (COMPULSORY PURCHASE) (FORMS)
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SCHEDULE

FORM I

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

I, the Minister charged with responsibility for Works and Engineering, being of the opinion that the purchase by agreement of the land specified in the Schedule hereto (is impracticable) (having regard to the urgency of the intended purchase would cause undue delay), in the exercise of the powers conferred on me by the above mentioned Act, do hereby make the following compulsory purchase order:

1 The land described in the Schedule hereto (being land delineated and coloured [blank] on the plan numbered [blank] prepared by the Department of Works and Engineering and signed by the Permanent Secretary for the Department of Works and Engineering and marked "Plan referred to in the [blank] Compulsory Purchase Order, 19 [blank] which plan is deposited in the offices of the Department of Works and Engineering), is subject to compulsory purchase for the purpose of [blank].

2 This order may be cited as The [blank] Compulsory Purchase Order, 19 [blank].

SCHEDULE

Number on Plan

Quantity description and situation of the land

Owners or reputed owners

Given under my hand the [blank] day of [blank] in the year 19 [blank]

Minister charged with responsibility
for Works and Engineering.

FORM II

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

NOTICE IS HEREBY GIVEN that, in exercise of the powers conferred on me by the above mentioned Act, on the [blank] day of

[*blank*] 19 [*blank*], I made a compulsory purchase order authorising the Government to purchase compulsorily the land described in the Schedule hereto for the purpose of [*blank*].

A copy of the order and of the plan delineating the land referred to therein have been deposited at the offices of the Department of Works and Engineering at the Post Office Building, Church Street, City of Hamilton, and may be seen there at all reasonable times.

**ACQUISITION OF LAND (COMPULSORY PURCHASE) (FORMS)
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SCHEDULE

[Description of land comprised in the Order]

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

FORM III

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

To [owner] of [address etc.] and all other persons interested or
claiming to be interested in the land specified in the Schedule hereto.

NOTICE TO TREAT

WHEREAS:

(1) The [blank] Compulsory Purchase Order, 19 [blank]
(hereinafter called the order) was made on the [blank] day of [blank] 19
[blank] under the Acquisition of Land Act 1970:

(2) The order authorises the Government to purchase
compulsorily for the purpose(s) stated in the order the land described in
the Schedule hereto and delineated on the plan annexed hereto
(hereinafter called the land).

NOW THEREFORE, I hereby give you notice that—

1 The Government require to purchase and take the land for the
purpose stated in the order pursuant to the Acquisition of Land Act
1970, (hereinafter called the Act).

2 I demand from you and each and every one of you the
particulars of your respective estate and interest in the land and of the
claims made by you and each and every one of you in respect thereof
which several particulars should be stated in the accompanying form of
claim and delivered to the Permanent Secretary for the Department of
Works and Engineering or to the offices of the Department of Works and
Engineering at the Post office Building, Church Street, in the City of
Hamilton.

3 I am willing to treat with you and each and every one of you for
the purchase of the land and your estate or interest therein and as to the
amount of compensation to be paid to you for the damage that may be
sustained by you and each and every one of you by reason of the

execution of any works in pursuance of the purpose authorised by the order or for which the land is required as aforesaid.

4 If—

- (a) within twenty-one days after the service hereof you do not state the particulars of your estate and interest in the land the claims made by you in respect of the land;
- (b) you and I do not agree as to the amount of compensation to be paid by the Government for or in respect of your estate or interest in the land or which you have power to sell or for any damage which may be sustained by you as aforesaid;

I will refer the question of compensation to arbitration under the Act.

5 Without prejudice to the power to refer any question of compensation to arbitration in pursuance of paragraph 4, if no agreement has been reached on the amount of any compensation to be paid in respect of the land, I will, on the expiration of six months after the service hereof, refer the question of disputed compensation to arbitration under the Act.

**ACQUISITION OF LAND (COMPULSORY PURCHASE) (FORMS)
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SCHEDULE

[Description of land]

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

FORM IV

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

CLAIM FOR COMPENSATION

Claim in Answer to a Notice to Treat Served on [blank] 19 [blank]

- 1 Name of claimant
Address
Business or description
Telephone Number
- 2 Short description of the property comprised in the notice to treat. (Note - If the claimant is not entitled to all the land shown on the plan, Please indicate the extent of his interest).
- 3 Name and address of person having custody of the title documents.
- 4 Nature of claimant's estate or interest in the property: (e.g. freehold, leasehold, yearly tenancy etc. or other interest).

If freehold, state whether absolutely or otherwise entitled. If leasehold, state landlord's name, the rent, date of commencement and length of term or furnish a copy of the lease.

If yearly tenancy or less interest, state date of commencement, the rent, how determinable and any special terms and conditions.
- 5 Particulars of any mortgage, charge or incumbrance affecting claimant's estate or interest.

Please specify—
 - (a) amount of principal still owing;
 - (b) name and address of mortgagee;
 - (c) names and addresses of mortgagee's attorneys.

- 6 Particulars of adverse matters—
- (a) any public or private rights of way or privileges or easements affecting the property;
 - (b) existing covenants and restrictions affecting the property.
- 7 If land is let, state—
- (a) Name(s) of Tenant(s) state whether lessees or yearly or other tenants).
 - (b) Total area let to each tenant.
 - (c) How much of each tenant's holding is affected by the notice to treat.
 - (d) The rent paid by each tenant.
 - (e) The date of commencement and length of each tenancy.
- 8 Particulars of any notices by any public authority affecting the property.
- 9 Particulars of any outstanding right to compensation for refusal, conditional grant, revocation or modification of planning permission.
- 10 Particulars of any planning permission relating to the property.
- 11 Area and description of other land of the claimant contiguous or adjacent to the land being acquired.
- 12 Particulars of claim —
- (a) for the value of the claimant's estate or interest in the land being taken, including any easements;
 - (b) for any damage sustained by the claimant by reason of the acquisition injuriously affecting his earnings;
 - (c) for disturbance;
 - (d) for any damage that will be sustained by the claimant in respect of standing crops on the land to be acquired.
- N.B. Details should be furnished showing how the amount claimed under any head is calculated.
- 13 The sum to be deducted from the sums specified in paragraph 12 to cover any increases in value of claimant's contiguous or adjacent land,
- 14 Net claim (i.e. the difference of total of 12 and 13).
- Dated the [blank] day of [blank] 19 [blank]

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(Signature of claimant or his attorney)

Name and address of attorney (if any)

Name and address of surveyor (if any)

FORM V

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

COUNTER-NOTICE TO TAKE THE WHOLE PREMISES UNDER SECTION
7 OF THE ACQUISITION OF LAND ACT 1970

TO: The Minister responsible for Works and Engineering.

WHEREAS:

1 On the [blank] day of [blank] 19 [blank] notice to treat in relation to the land described in the Schedule to the said notice was served on me.

2 The said land is (or includes) part only of a [house/building/manufactory] [or park/garden belonging to a house] and I am willing and able to sell and convey [my estate or interest in] the whole thereof to the Government.

NOW THEREFORE take notice that I require you to purchase and take [my estate or interest in] the whole of the said [house/building/manufactory] or [park/garden] as described in the Schedule hereto.

SCHEDULE

Dated the [blank] day of [blank] 19 [blank]

Signature of Owner

FORM VI

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

ACCEPTANCE OR REFUSAL OF COUNTER-NOTICE UNDER SECTION 7
OF THE ACQUISITION OF LAND ACT 1970

TO: [Owner] of [address etc.]

REPLY TO COUNTER-NOTICE

WHEREAS: On the [blank] day of [blank] 19 [blank] you served a counter notice upon me requiring the Government to purchase and take [your estate or interest in] the whole of a [house/building/manufactory/park/garden] described in the Schedule to the said counternotice.

NOW THEREFORE I give you notice—

* 1 That I accept the said counter-notice requiring the Government to purchase and take [your estate or interest in] the whole of the land therein described.

* 2 That I withdrew the said notice to treat.

* 3 That it will be contended before the arbitrators in accordance with section 7 of the Acquisition of Land Act 1970, that your estate or interest in the part only of the [house/building/manufactory] described in the Schedule to the notice to treat can be taken by the Government without material detriment to the said [house/building/manufactory].

* 4 It will be contended before the arbitrators in accordance with section 7 of the Acquisition of Land Act 1970, that the part only of the [park/garden] described in the Schedule to the notice to treat can be taken by the Government without seriously affecting the amenity or convenience of the house to which the said [park/ garden] belongs.

(* Delete as appropriate).

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

FORM VII

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

TO: (Name and address of person interested or claiming to be interested in the relevant land).

NOTICE OF INTENTION TO ENTER LAND AND TAKE POSSESSION

WHEREAS:

1 The [blank] Compulsory Purchase Order, 19 [blank] was made under the Acquisition of Land Act 1970, on the [blank] day of [blank] 19 [blank] in relation to the land described in the Schedule to the said order:

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2 Notice to treat for the said land has been served upon the persons interested or claiming to be interested therein:

NOW THEREFORE, in exercise of the power conferred upon me by section 8 of the Acquisition of Land Act 1970, I hereby give you notice that I will upon expiration of fourteen days [state longer period] after the service of this notice upon you enter and take possession of the said land.

SCHEDULE

[Description of land to be entered on]

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

FORM VIII

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

TO: (Name and address of person interested in relevant land).

NOTICE OF INTENTION TO ENTER LAND FOR PURPOSE OF
SURVEYING, ETC.

WHEREAS:

1 THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank], was made under the Acquisition of Land Act 1970, on the [blank] day of [blank] 19 [blank]:

2 The said order authorises the Government to purchase compulsorily for the purpose(s) stated in the said order the land described in the Schedule hereto:

NOW THEREFORE, in exercise of the powers conferred upon me by section 8 of the said Act, I hereby give you notice that I will upon the expiration of seven days [or state longer period] after the service of this notice upon you enter on the said land for the purpose of—

- * (a) surveying and taking levels of the said land;
- * (b) probing and boring to ascertain the nature of the soil;
- * (c) setting out the line of works.

*
(Delete as appropriate).

SCHEDULE

[Description of land to be entered on]

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

FORM IX

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

TO: (Name and address of person interested in relevant land).

NOTICE OF INTENTION TO REVOKE COMPULSORY PURCHASE ORDER
IN RESPECT TO CERTAIN LAND SPECIFIED THEREIN

WHEREAS:

1 THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank], was made under the Acquisition of Land Act 1970, on the [blank] day of [blank] 19 [blank]:

2 The said order authorises the Government to purchase compulsorily for the purpose(s) stated in the said order the land described in the First Schedule hereto:

3 I am now of the opinion that the land described in the Second Schedule hereto (being part of the land described in the said First Schedule hereto) is no longer required by the Government for the said purpose(s):

NOW THEREFORE, in exercise of the powers conferred upon me by section 9 of the said Act, I hereby give you notice that I will upon the expiration of fourteen days [or state longer period] after the service of this notice upon you cause a notice to be published in the Gazette revoking the said order in respect of the land described in the said Second Schedule.

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FIRST SCHEDULE

(Description of land described in the order)

SECOND SCHEDULE

[Description of land in respect of which the order is to be revoked]

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

FORM X

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

NOTICE REVOKING THE COMPULSORY PURCHASE ORDER 19 IN
RESPECT TO CERTAIN LAND SPECIFIED THEREIN

NOTICE IS HEREBY GIVEN that, in exercise of the powers conferred upon me by section 9 of the Acquisition of Land Act 1970, I hereby revoke with effect from the date of the publication of this notice, THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank], in respect of the land described in the Schedule hereto (being a part of the land described in the Schedule to the [blank] Compulsory Purchase Order, 19 [blank], as land subject to compulsory purchase).

Nothing in this notice shall affect the operation validity and continuance in force of the said order in respect of any other land not described in the Schedule hereto, being land described in the Schedule to the said order.

SCHEDULE

[Description of land in respect of which Order revoked]

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

FORM XI

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

REFERENCE TO ARBITRATION UNDER SECTION 6 OF THE
ACQUISITION OF LAND ACT 1970

WHEREAS:

1 THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank], was made under the Acquisition of Land Act 1970, on the [blank] day of [blank] 19 [blank]:

2 The said order authorises the Government to purchase compulsorily for the purpose(s) stated in the said order the land described in the Schedule thereto:

3 Notice to treat was served on all the persons known to me, after making reasonable enquiry, to be interested or claim to be interested in the said land on the [blank] day of [blank] 19 [blank]:

4 The said persons so served either—

(a) (i) did not within twenty-one days of such service state the particulars of their respective estates or interest and of the respective claims made by them in respect of the said land;

(ii) have not agreed with the said Minister upon the amount of compensation to be paid them by the Government for the respective estates or interests belonging to them for which they have power to sell) [or for damages which may be sustained by them by reason of the execution of any works];

or (b) six months have expired from the date of such service and no agreement has been reached on the amount of compensation to be paid in respect of [blank]

* (Delete as appropriate)

NOW THEREFORE, in exercise of the powers conferred upon me by section 6 of the Acquisition of Land Act 1970, I hereby refer the question of compensation in relation to [blank] to arbitration in accordance with the Acquisition of Land Act 1970.

Dated the [blank] day of [blank] 19 [blank]

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Minister charged with responsibility
for Works and Engineering.

FORM XII

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

REFERENCE TO ARBITRATION UNDER SECTION 7 OF THE
ACQUISITION OF LAND ACT 1970

WHEREAS:

1 The [blank] Compulsory Purchase Order, 19 [blank], was made under the Acquisition of Land Act 1970, on the [blank] day of [blank] 19 [blank]:

2 The said order authorises the Government to purchase compulsorily for the purpose(s) stated in the said order the land described in the Schedule thereto:

3 On the [blank] day of [blank] 19 [blank] notice to treat was served upon [blank] (Name of person) of [blank] (Address) a person interested in (or claiming to be interested in) the said land:

4 On the [blank] day of [blank] 19 [blank] the said [blank] (Name of person) served a counternotice upon me requiring the Government to purchase and take [his estate or interest in] the whole of a certain [house/building/manufactory/park/garden] described in the said counter-notice of which the property described in the said order and notice to treat is a part only and stating that he was willing and able to sell and convey [his estate or interest in] the whole thereof to the Government:

5 On the [blank] day of [blank] 19 [blank], I served a reply to the said counter-notice upon the said [blank] (Name of person) in and by which I gave to the said [blank] (Name of person) notice that—

either

- ^{*}(a) I would contend before the Arbitrators in accordance with section 7 of the Acquisition of Land Act 1970, that the said (Name of person)'s estate or interest in the part only of the said [house/building/manufactory] described in the Schedules to the said order and notice to treat could be taken by the Government without material detriment to the said [house/building/manufactory];

or

- ^{*}(b)that I would contend before the arbitrators in accordance with section 7 of the Acquisition of Land Act 1970, that the part only of the said [park/garden] described in the Schedules to the said order and notice to treat could be taken by the Government without seriously affecting the amenity or convenience of the house to which the said [park/garden] belongs:

^{*}
(Delete as appropriate)

NOW THEREFORE, in exercise of the powers conferred upon me by section 7 of the Acquisition of Land Act 1970, I hereby refer to arbitration in accordance with the said Act, the determination of the following questions:

either

- (a) whether the said part only of the said [house/building/manufactory] referred to in the recitals hereto can be taken by the Government without material detriment to the said [house/building/manufactory] and, if so, the compensation to be awarded in respect of any loss due to severance of the said part in addition to the value thereof:

- or (b) whether the part only of the said [park/garden] described in the recitals hereto can be taken by the Government without seriously affecting the amenity or convenience of the said [house/building/manufactory] to which the said [park/garden] belongs and, if so, the amount of compensation to be awarded in respect of any loss due to severance of the said part in addition to the value thereof.

^{*}
(Delete as appropriate)

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

**ACQUISITION OF LAND (COMPULSORY PURCHASE) (FORMS)
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FORM XIII

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

REFERENCE TO ARBITRATION UNDER SECTION 9 OF THE
ACQUISITION OF LAND ACT 1970

WHEREAS:

1 THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank], was made under the Acquisition of Land Act 1970, on the [blank] day of [blank] 19 [blank]:

2 The said order authorises the Government to purchase compulsorily for the purpose(s) stated in the said order the land described in the Schedule thereto:

* 3 On the [blank] day of [blank] 19 [blank] notice to treat was served on all the persons known to me, after making reasonable enquiry, to be interested or claiming to be interested in the said land:

* 4 On the [blank] day of [blank] 19 [blank] I served upon the said persons notice of intention to enter and take possession of the said land:

* 5 On the [blank] day of [blank] 19 [blank] I entered and took possession of the said land:

* 6 On the [blank] day of [blank] 19 [blank], in exercise of the powers conferred upon me by section 9(1) of the Acquisition of Land Act 1970, by a notice published on that date in the Gazette, I revoked the said order in respect of the land described in the Schedule to the said notice:

7 I have been unable to agree with the persons interested in the said land in respect of which the said order was revoked the amount of compensation which should be paid to them—

(a) in respect of any damage suffered by reason of the making and subsequent revocation of the said order in respect of the said land;

(b) in respect of any damage which may have been caused by reason of the execution of any works thereon after entry thereon as hereinbefore recited:

NOW THEREFORE, in exercise of the powers conferred upon me by section 9 of the Acquisition of Land Act 1970, I hereby refer the question of compensation—

* (a) in respect of any damage suffered by reason of the making and subsequent revocation of the said order in respect of the said land; and

* (b) in respect of any damage which may have been caused by reason of the execution of any works thereon after entry thereon as hereinbefore recited;

to arbitration in accordance with the Acquisition of Land Act 1970.

(* Delete as appropriate)

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility for
Works and Engineering.

FORM XIV

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

APPLICATION FOR THE APPOINTMENT OF ARBITRATORS

TO: His Excellency the Governor:

Having, by an instrument in writing under my hand dated the [blank] day of [blank] 19 [blank] (a copy of which is attached to this application), referred the questions specified therein to arbitration in accordance with the Acquisition of Land Act 1970, I hereby respectfully make application that Your Excellency may, in exercise of the powers conferred upon Your Excellency by section 10 of the said Act, appoint three or five persons to be arbitrators to determine the question(s) referred to arbitration by the said instrument.

Dated the [blank] day of [blank] 19 [blank]

Minister charged with responsibility
for Works and Engineering.

**ACQUISITION OF LAND (COMPULSORY PURCHASE) (FORMS)
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FORM XV

THE ACQUISITION OF LAND ACT 1970

THE [blank] COMPULSORY PURCHASE ORDER, 19 [blank]

APPOINTMENT OF ARBITRATORS

I [blank] Governor of Bermuda, in exercise of the powers conferred upon me by section 10 of the Acquisition of Land Act 1970, do hereby appoint the following persons, namely, [blank]—

to be arbitrators for the purposes of determining the questions referred to arbitration under the said Act, by an instrument in writing under the hand of the Minister charged with responsibility for Works and Engineering (a copy of which is attached hereto)

And I do further appoint the said [blank] to be Chairman of the said arbitrators.

Dated the [blank] day of [blank] 19 [blank]

Governor
Bermuda.

[Amended by
1988 : 19]