

REQUISITIONING OF MOTOR VEHICLES AND AGRICULTURAL EQUIPMENT

[Cap.200

CHAPTER 200

REQUISITIONING OF MOTOR VEHICLES AND AGRICULTURAL EQUIPMENT

Act No.4 of 1971. AN ACT TO REQUISITION MOTOR VEHICLES, AGRICULTURAL PLANTS, MACHINERY AND EQUIPMENT FOR TEMPORARY USE BY THE GOVERNMENT FOR CERTAIN PURPOSES, FOR THE PAYMENT OF COMPENSATION, THEREFOR AND FOR MATTERS CONNECTED, THEREWITH OR INCIDENTAL THERETO.

[21st January. 1971.]

Short title.	1. This Act may be cited as the Requisitioning of Motor Vehicles and Agricultural Equipment Act.	3. The period during which any equipment requisitioned under section 2 for temporary use by the Government shall not exceed thirty days in each calendar year.	Period of temporary use of equipment not to exceed thirty days in year.
Requisitioning of equipment for temporary use by Government-	2. (I) Where the competent authority is satisfied that any motor vehicle, agricultural plant, machinery or equipment (hereinafter referred to as "equipment"), is required for the purpose of or in connexion with any scheme for the importation, storage, purchase, sale, supply, distribution, transport or cultivation of any agricultural product, he may, by notice (hereinafter referred to as "requisitioning notice"), served on the owner or person in whose possession or custody such equipment is, requisition such equipment for the temporary use of the Government. (2) Where a requisitioning notice has been served under subsection (1) on any person, it shall be lawful for any officer authorized by the competent authority (hereinafter referred to as an "authorized officer") to take possession of the equipment to which the notice relates on behalf of the competent authority. (3) The authorized officer may give to the owner or person in whose possession or custody such equipment is, such written directions as appear to him to be necessary or expedient in connexion with the taking possession of such equipment; and such owner or person shall comply with all such written directions. (4) Any police officer, if requested by an authorized officer to do so, shall take such steps and use such force as may be necessary for securing compliance with any direction given under subsection (3).	4. (1) Every person who— (a) prevents, obstructs or resists; or (b) directly or indirectly causes anyone to prevent, obstruct or resist, any person from or in taking possession of any equipment under this Act; or (c) fails to comply with any written direction given under section 2, shall be guilty of an offence under this Act. (2) Any person guilty of an offence under subsection (1) shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding two years or to a fine not exceeding two thousand rupees or to both such imprisonment and fine; and the Magistrate may, where such offence is committed by the owner of an equipment or his agent or servant, order the forfeiture of such equipment, in respect of which the offence is committed, to the State. (3) Where any offence under this Act is committed by a body of persons, then— (a) if that body is a body corporate, every director of that body corporate shall be deemed to be guilty of that offence; or	Prevention of or obstruction to taking possession of equipment.

REQUISITIONING OF MOTOR VEHICLES AND AGRICULTURAL EQUIPMENT

(b) if that body is a firm, every partner of that firm shall be deemed to be guilty of that offence:

Provided, however, that no such director or partner shall be deemed to be guilty of an offence under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

Claims to the compensation payable under this Act.

5. Where any equipment is requisitioned under the provisions of this Act, the owner of such equipment at the time of such requisition, may, within one month after the lapse of thirty days from the date of such requisition, make a written claim to the compensation payable in respect of such equipment and specify in his claim—

- (a) his name and address;
- (b) the nature of his interest;
- (c) the period in respect of which the claim is made; and
- (d) the amount claimed by him.

Determination of compensation in respect of claim.

6. (1) Upon the receipt of any claim made under section 5 to the compensation payable under this Act, the competent authority shall make a determination as soon as may be convenient as to the amount payable in respect of such claim and shall give written notice of such determination made by him.

(2) The determination under subsection (1) as to the amount of compensation payable shall be made having regard to the rate of hire payable by the Government in respect of such equipment in the district and the period for which such equipment has been requisitioned.

(3) The determination of the competent authority, subject to any appeal under section 7, shall be final and conclusive and shall not be questioned in any court of law.

Appeal from a determination of compensation under section 6.

7. (1) Any person aggrieved by the decision of the competent authority on a determination made by him on a claim to compensation under this Act may within

fourteen days of the receipt of the notice of determination under section 6 appeal to the Secretary to the Ministry from such determination.

(2) The decision of the Secretary to the Ministry on such appeal shall be final and conclusive and shall not be questioned in any court of law.

8. (1) The compensation payable under this Act shall be paid to the person who at the time of the requisitioning of the equipment was the owner of such equipment. Payment of compensation.

(2) Where, on the date of the requisitioning of the equipment, a person, other than the owner of such equipment, was by virtue of a subsisting contract entitled to possession and use of such equipment, the owner to whom compensation is paid shall be deemed to receive it as a trustee for such other person.

9. Any notice or direction to be given to any person under any provision of this Act shall be deemed to be given to him, if such notice or direction is sent to him by registered letter through the post. Manner in which notice or direction may be served on persons.

10. In this Act— Interpretation.

"agricultural plant, machinery or equipment" includes tractors, bulldozers or any other contraptions used for the purpose of or in connexion with the clearing and cultivation of land ;

"agricultural product" has the same meaning as in the Agricultural Products (Regulation) Ordinance;

"competent authority" means , the Government Agent, and includes an Assistant Government Agent, of an administrative district;

"motor vehicle " has the same meaning as in the Motor Traffic Act;

"owner " in relation to a motor vehicle means the registered owner of that vehicle, and in relation to any agricultural plant, machinery or

***REQUISITIONING OF MOTOR VEHICLES AND
AGRICULTURAL EQUIPMENT***

[Cap. 200

equipment, means the person in possession or custody of such plant, machinery or equipment;

"requisitioning" with its grammatical variations and cognate expressions

means, in relation to any equipment, taking possession of such equipment or requiring the equipment to be placed at the disposal of the competent authority.