

WESTERN PACIFIC HIGH COMMISSION.

No. 4 of 1918.



[L.S.]

BICKHAM ESCOTT,



High Commissioner.

13th May, 1918.

## KING'S REGULATION

TO REGULATE THE ACQUISITION BY THE CROWN  
FOR PUBLIC PURPOSES OF LAND IN THE  
BRITISH SOLOMON ISLANDS PROTECTORATE.

Made by His Britannic Majesty's High Commissioner for  
the Western Pacific under the provisions of the Pacific  
Order in Council, 1893.

In the name of His Majesty, George the Fifth, by the  
Grace of God of the United Kingdom of Great  
Britain and Ireland and of the British Dominions  
beyond the Seas King, Defender of the Faith,  
Emperor of India.

[ ]

1. This Regulation may be cited as the Solomons Crown SHORT TITLE.  
Acquisition of Land (Public Purposes) Regulation 1918.

2. In this Regulation, unless the context otherwise INTERPRETATION  
requires—

“Resident Commissioner” means the Resident Com-  
missioner in the British Solomon Islands Pro-  
tectorate and includes any person duly acting  
as such;

“Crown Surveyor” means the chief surveyor in the  
service of the Protectorate Government and  
includes any person from time to time authorised  
by him in writing to act on his behalf under this  
Regulation;

“Lessee” includes a person duly holding land under  
a certificate of occupation granted by His Britan-  
nic Majesty's High Commissioner for the Western  
Pacific;

“ Public purposes ” means any undertaking, proposal or policy which may appear to the Resident Commissioner desirable as benefiting or likely to benefit the Protectorate, including the construction of roads ;

“ Improved land ” means any land which has been substantially improved by improvements of a permanent character reasonably adapted for the proper economic use of such land, including, subject to such qualification, clearing of land for agricultural purposes, reclamation from swamps, cultivation, planting with trees or live hedges, laying out and cultivation of gardens, fencing, draining, making roads, making wells or water-reservoirs, constructing water-races, making embankments or protective works of any kind, in any way improving the character or fertility of the soil, or the erection of buildings ; provided that no land shall be deemed to be improved land in respect whereof any act or omission has been done or made rendering such land liable to forfeiture to the Crown under the provisions of any law or agreement affecting the same ;

“ Unimproved land ” means any land not being improved land.

SAVING OF  
POWER OF  
RESIDENT  
COMMISSIONER  
TO ACQUIRE  
LANDS BY  
PRIVATE  
AGREEMENT.

3. Nothing in this Regulation contained shall be deemed to limit or affect the power of the Resident Commissioner on behalf of the Crown to acquire lands by private agreement with the owners thereof and to compensate by private agreement the persons who may be injuriously affected by the Crown entering into possession of any land.

POWER COM-  
PULSORILY TO  
ACQUIRE LAND  
FOR PUBLIC  
PURPOSES.  
NOTICE TO BE  
GIVEN.

4. It shall at all times be lawful for the Resident Commissioner on behalf of the Crown compulsorily to acquire land for public purposes.

5.—(1) When any land is required for public purposes and no acquisition thereof has been made by private agreement a notice under the hand of the Crown Surveyor shall be served upon the owners of the said land and upon the mortgagees and lessees thereof or upon such of the said parties as shall after diligent inquiry be known to the Crown Surveyor.

(2) Any notice as aforesaid may be served upon the person to be affected thereby either by the delivery thereof to him personally or by the leaving thereof for him at his last known place of abode or address or by the sending thereof through the post in a letter addressed to him there. Provided that where the person to be affected by the notice is a native residing in the Protectorate the notice shall be deemed to be served upon him if it be delivered and explained to the chief native authority of the district within which is situate the land required, whose duty it shall be to cause the notice forthwith to be made known to the native to be affected thereby.

CONTENTS OF  
NOTICE.

6. The notice shall contain a statement that the land is required for public purposes, an accurate description of the land required, and the date on which possession of the land is to be taken on behalf of the Crown and shall where the land required is improved land call upon the party to whom it is directed forthwith to submit to the Resident Commissioner his claim for compensation.

7.—(1) After the notice aforesaid has been served it shall be lawful for the Resident Commissioner on behalf of the Crown to take possession of the land required on the date therein stated and such land shall be deemed to be Crown land as from that date.

WHEN POSSESSION MAY BE TAKEN BY THE CROWN.

(2) Where the land required is unimproved land and the Resident Commissioner is desirous of taking possession thereof immediately a statement in the notice to that effect shall operate to vest the land in the Crown as from the date of the notice.

8. No compensation shall be payable by the Resident Commissioner in respect of any unimproved land compulsorily acquired under this Regulation.

NO COMPENSATION PAYABLE FOR UNIMPROVED LAND.

9. In respect of improved land compulsorily acquired under this Regulation compensation for actual loss sustained shall be payable by the Resident Commissioner as hereinafter provided. Provided that in the case of any land so acquired from natives the Resident Commissioner shall be deemed to have paid sufficient compensation if he shall have set apart for the use of any natives lawfully occupying the said land an equivalent amount of suitable Crown land.

COMPENSATION TO BE PAID FOR IMPROVED LAND.

10. Where compensation is required to be paid by the Resident Commissioner it shall be such as may be mutually agreed upon between the Resident Commissioner and the persons claiming and entitled to compensation.

COMPENSATION TO BE MUTUALLY AGREED UPON.

11. In the event of any disagreement as to the amount of compensation to be paid the amount shall subject to the provisions hereinafter contained be determined by two arbitrators one to be appointed by the Resident Commissioner and the other by the persons claiming and entitled to compensation and in the event of the said arbitrators disagreeing or if either the Resident Commissioner or the persons claiming and entitled to compensation fail to appoint an arbitrator then by the High Commissioner's Court on motion made by either party.

ASSESSMENT IN EVENT OF DISAGREEMENT.

12. In assessing the amount of compensation regard shall be had to the manner extent and purpose of the use and occupation of the land.

REGULATION OF COMPENSATION.

13. This Regulation shall come into operation on such day as the High Commissioner by Proclamation in the *Western Pacific High Commission Gazette* shall direct.

COMMENCEMENT OF REGULATION.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this thirteenth day of May, one thousand nine hundred and eighteen.

By Command,

A. L. AYTON,  
Acting Secretary to His Britannic Majesty's  
High Commissioner for the Western Pacific.