

(2) In case of disagreement among the members of the Board, the decision of the majority of the members shall be the decision of the Board.

(3) Where, with regard to the amount of compensation to be paid, all the members of the Board differ, the mean between the amount determined by the Chairman and the amount determined by the other members which is nearer the amount determined by the Chairman shall be the decision of the Board.

(4) Every award shall state the total compensation to be paid and also the amounts awarded under different heads of compensation and the grounds for awarding each of those amounts.

(5) Where a claim for compensation under section 14 (1) specifies the amount to be paid as compensation, no award shall be made which is in excess of the amount claimed.

(6) The Board, in awarding compensation, may allow interest at the legal rate, calculated from the date of vesting under section 11 until the date of the award of the Board.

(7) (a) The Chairman shall make such order as to costs as he thinks fit in all the circumstances of the case.

(b) An order made under paragraph (a) shall be enforced in the same manner as an order for costs in proceedings before a Judge.

(c) Where the Chairman orders a party to pay costs to the authorised officer, the authorised officer may deduct the amount so payable from the amount of any compensation to be paid to that party.

(8) The award shall, within 7 days of filing in the Registry be notified, in writing, to the parties by the Registrar and shall, subject to section 24, be conclusive and binding upon them and any person claiming through them.

19 Nature of compensation

(1) Subject to section 20, an interested person shall be entitled to compensation –

(a) for loss sustained as a result of an act or omission under section 6;

(b) for loss sustained as a result of abandonment under section 7;

(c) for the value of his interest in land compulsorily acquired;

(d) for loss sustained as a result of severance of other lands owned by him from the land compulsorily acquired;

(e) for any other loss sustained as a result of the compulsory acquisition.

(2) Where land is, and, but for compulsory acquisition, would continue to be, devoted to a purpose for which land is not readily available and the Board is satisfied that the interested person bona fide intends to continue to use land for that purpose in some other place compensation may be assessed on the basis of the cost of reinstating the interested person on other land.

(3) The value of any interest in the land shall be the amount which that interest if sold on the open market by a willing seller might be expected to realise at the date of the first publication of the notice under section 8.

20 Non-compensable loss

No allowance shall, in the assessment of compensation, be made on account of –

(a) the fact that the acquisition is compulsory or the other degree of urgency or necessity which has led to the acquisition;

(b) any lack of interest of the interested person to part with the land acquired;

(c) any loss sustained by the interested person as a result of an act or omission which would not give rise to an action under any other enactment;

(d) any increase to the value of the land acquired which has accrued or is likely to accrue from the use to which the land acquired has been or will be put by Government or by the person for whom it is acquired;

(e) any investment in or improvement of the land acquired, commenced or continued after the first publication of the notice under section 8 other than an investment or improvement –

(i) for the continuing use of the land as an economic unit;

- (ii) for the satisfying of a legal obligation;
- (iii) for the maintenance of the land;
- (f) the fact that Government may exploit the land acquired in co-operation with private interests;
- (g) the special suitability or adaptability of the land acquired for any purpose if that purpose is a purpose for which it could be used only in pursuance of statutory powers, or if that purpose is a purpose for which land may be acquired under this Act;
- (h) the value of any increase to the land acquired by reason of its use in a manner which –
 - (i) could be restrained by a court;
 - (ii) is contrary to law; or
 - (iii) is detrimental to health.

21 Access to severed land

(1) Where land acquired compulsorily is severed from other land owned by an interested person and as a result the land which has not been compulsorily acquired has no access, the authorised officer shall provide a reasonable access to that land.

(2) In determining the amount of compensation payable under this Act, in respect of any land as is described under subsection (1), account shall be taken of the fact that reasonable access to the land will be provided.

22 Payment of compensation into court

(1) The authorised officer shall within 30 days –

- (a) where no appeal is lodged under section 24, of the date of the award by the Board; or
- (b) where an appeal is so lodged, of the date on which the appeal is finally determined,

deposit the compensation payable at the Registry.

(2) Any compensation deposited under subsection (1) may, on the application of an interested person claiming to be entitled to it, be paid out to him by the Registrar upon his satisfying the Registrar of his claim.

(3) Where any compensation deposited under subsection (1) is not within 6 months of the deposit paid out under subsection (2), or where there is –

- (a) no person competent to receive or give a sufficient discharge for the compensation; or
- (b) a dispute as to the title to any land acquired under this Act, or as to the right or interest of any person therein,

the Registrar shall apply for a vesting order to vest the compensation deposited in the Curator and upon the making of the vesting order the compensation shall vest in the Curator.

(4) Any compensation which has vested in the Curator shall be dealt with in the same manner as any property which has vested in the Curator under the Curatelle Act.

23 Acquisition of land held on lease

(1) Where land is comprised in a lease for a period of one month or more and part only of the land is compulsorily acquired, the rent payable in respect of the land comprised in the lease may, on the application of the lessor or the lessee to the Board, be apportioned between the land acquired and the residue of the land.

(2) After an apportionment of the rent under subsection (1) –

- (a) the lessee shall be liable to pay only so much of the future accruing rent, as has been apportioned in respect of the residue of the land;
- (b) the lessor shall have the same rights and remedies for the recovery of the apportioned rent as he had before the apportionment for the recovery of the whole rent due under the lease;
- (c) all the conditions of the lease, except those concerning the amount of rent to be paid, shall remain in force with regard to the residue of the land as if the residue of the land only had been included in the lease.

- (3) (a) Where it is shown that the compulsory acquisition of a portion of land comprised in a lease has rendered the residue unsuitable for the purpose for which the land was leased or where in the circumstances the Board, on application by the lessee, considers it just to do so, it may rescind the lease.
- (b) Where a lease is rescinded under paragraph (a), the lessee shall be liable to pay only the rent due at the date of the occurrences of the circumstances on which the rescission order is based.

24 Appeals against awards

Any party who is aggrieved by an award made by the Board may appeal to the Supreme Court within such time and in such manner as may be provided by rules made by the Supreme Court for the purpose.

PART IV – MISCELLANEOUS

25 Authorised officers

The Minister may designate any person to act as an authorised officer for the purposes of this Act.

26 Service of notices

Any notice required by this Act to be served on any person shall be deemed to be effectually served –

- (a) where served by post on the person, or where the land to which the notice relates is vested in the Curator, on the Curator;
- (b) where service under paragraph (a) is not possible, by service on his representative in Mauritius;
- (c) where service is not possible under paragraph (a) or (b), by service on the Curator and the affixing of a copy of the notice conspicuously on the land to which it relates.

27 Vesting in Curator

(1) Where the Curator has been served with a notice under section 26 (c), he shall cause the land to which the notice relates to be vested in him.

(2) Where the Curator fails, within 7 days of the service of a notice under section 26 (c), to cause the land to which the notice relates, to be vested in him, the Minister may apply for a vesting order to vest the land to which the notice relates in the Curator and, upon the vesting order being made, the land shall vest in the Curator.

28 Expenses

Any sum awarded by way of compensation under this Act, including interest and costs to be paid by the authorised officer, and all other costs, charges and expenses which shall be incurred by or on behalf of the Minister or the authorised officer for carrying into effect the provisions of this Act, shall be paid out of the Consolidated Fund.

29 Exemption from duties

Notwithstanding any other enactment, every document relating to anything done under or for the purposes of this Act, shall be exempt from any stamp duty, registration dues or transcription fee.

30 Loss arising after acquisition

This Act shall not prejudice any claim for damage sustained after the compulsory acquisition as a result of the use to which the land acquired is put.

31 Sale back to owner

(1) Notwithstanding section 5 of the State Lands Act, where the whole or part of any land which has been compulsorily acquired is no longer required for any purpose, the Minister or any person on whose behalf the land has been compulsorily acquired shall offer to sell the land at the price it would fetch on the open market at the time of the offer, to the person who, but for the compulsory acquisition, would have owned it.

(2) Where the person to whom an offer is made under subsection (1) fails to signify his acceptance of the offer within 6 weeks of the notification of the offer to him, the offer shall lapse.

[Amended 48/91]

32 Immunity from legal process

(1) No civil or criminal liability shall attach to the Chairman or any member of the Board, the authorised officer or any person delegated by, or accompanying, the authorised officer in respect of any act done or omitted in good faith for the purposes of this Act.

(2) Subsection (1) shall be in addition to, and not in derogation from the Public Officers Protection Act, and for the purposes of that Act, or of section 156 of the Criminal Code, any person who enters upon any land under this Act or any person accompanying the authorised officer shall be deemed to be a public officer or a person engaged or employed in the performance of a public duty.

33 Offences

Any person who –

- (a) without lawful authority or reasonable excuse, removes or destroys any landmark placed, or removes or defaces or destroys any notice posted by the authorised officer on any land in accordance with this Act;
- (b) is required to make and deliver a statement under this Act and, without reasonable excuse, refuses to make or deliver the statement, or wilfully makes a statement which is false or misleading in any material particular; or
- (c) contravenes any regulation made under this Act,

shall commit an offence.

34 Penalty

Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

35 Regulations

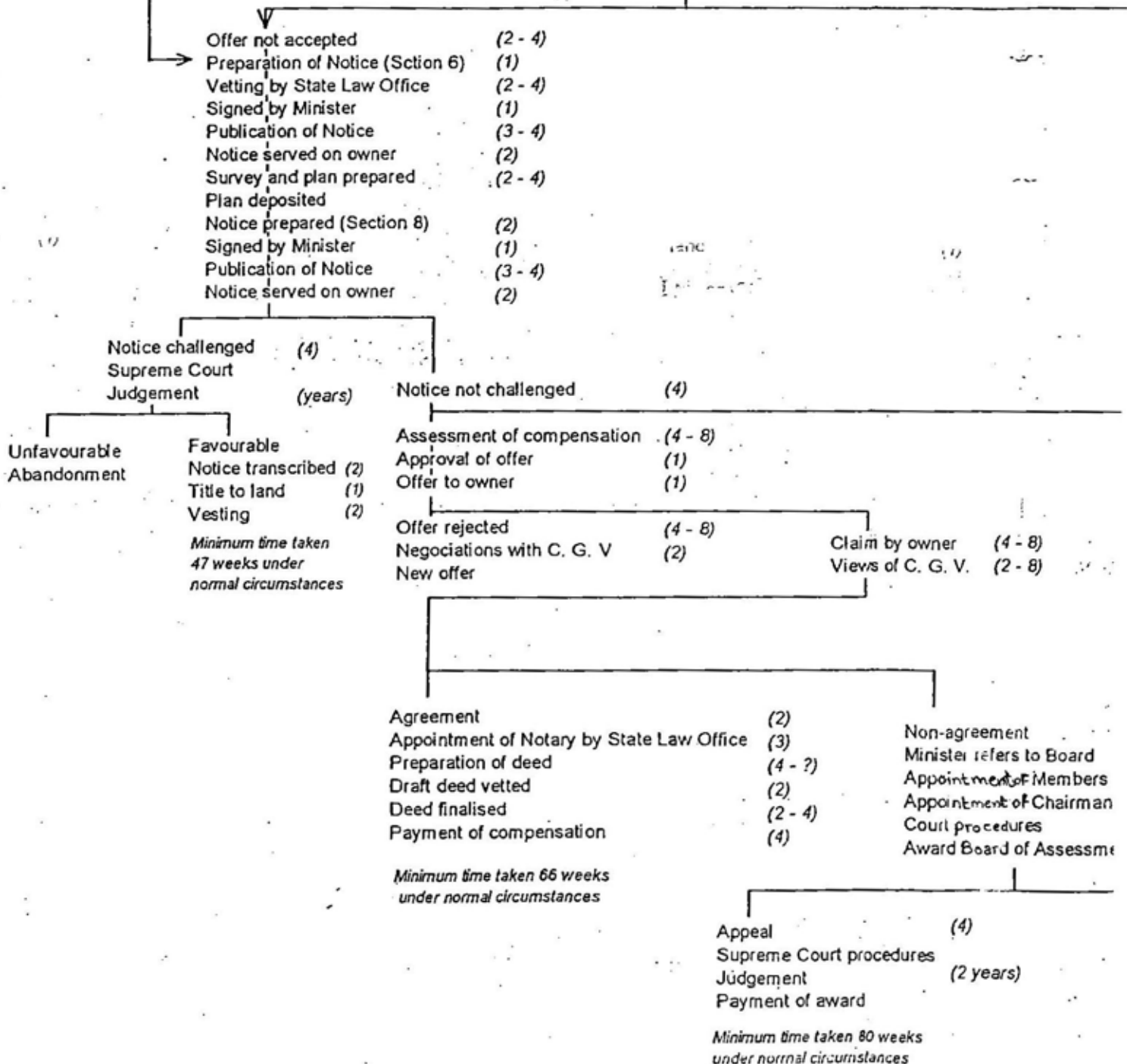
The Minister may make such regulations as he thinks fit for the purposes of this Act.

LAND ACQUISITION PROCEDURES

COMPULSORY ACQUISITION LAND ACQUISITION ACT

Request from Ministry / Organisation (after obtention of all clearances (opening of file, Minister's approval) ~
 Searches for ownership depending on project, number of portions
 Preparation of preliminary plans
 Planning views
 Assessment by Chief Government Valuer
 Approval of offer
 Offer to owner

Major projects (many portions)



PROCEDURES

ACQUISITION BY PRIVATE AGREEMENT

(after obtention of all clearances)
 Minister's approval) (2)
 (ing on project, number of portions, Sugar Estate Lands) (1 - 4)
 (1)
 (2 - 4)
 (4 - ?)
 (1)
 (1)

Offer accepted (2 - 4)
 Notary appointed by State Law Office (3)
 Deed of sale drawn up (4 - ?)
 Draft deed vetted (2)
 Deed finalised (2 - 4)
 Deed signed by Permanent Secretary (1)
 Deed signed by owner (2)
 Payment effected (3)
 Deed registered and transcribed (2)
 Title to land (1)
 Vesting (2)

Minimum time taken 32 weeks under normal circumstances

Notice transcribed (2)
 Title to land (1)
 Vesting (2)

Minimum time taken 42 weeks under normal circumstances

(4 - 8)
 (2 - 8)

Non-agreement (2)
 Minister refers to Board (1)
 Appointment of Members (2)
 Appointment of Chairman by Chief Justice (2 - 4)
 Court procedures (8 - ?)
 Award Board of Assessment (4 - ?)

(4)
 (2 years)
 Money deposited at Supreme Court (2 - 4)
 Certificate for Conservator of Mortgages (4 - ?)
 Certificate sent to Supreme Court (1)
 Payment by Supreme Court (?)

Minimum time taken 88 weeks under normal circumstances

0 weeks
ances

2 Location of Classified Road

3 *Seawater Intrusion*

MINISTRY OF PUBLIC UTILITIES

WATER RESOURCES UNIT

3rd Floor, Royal Commercial Centre, St. Ignace Street, Rose Hill (Republic of Mauritius)
Tel. No. (230) 465 7988/9540 Fax No. (230) 465 7177 E-mail: wru@intnet.mu



MPU/WRU/I/103 Vol 8

02.02.11K

02 February 2011

In reply please quote.....

Date.....

**The Officer-in-Charge
Wastewater Management Authority
Celicourt Anthelme Street
Port Louis**

Dear Sir,

Grand Baie Sewerage Project Phase 1B

Please refer to your letter (WMA/230C/GBSP/TA/dd) dated 14 January 2011 and the meeting held at the Water Resources Unit on 28 January 2011 regarding the above project.

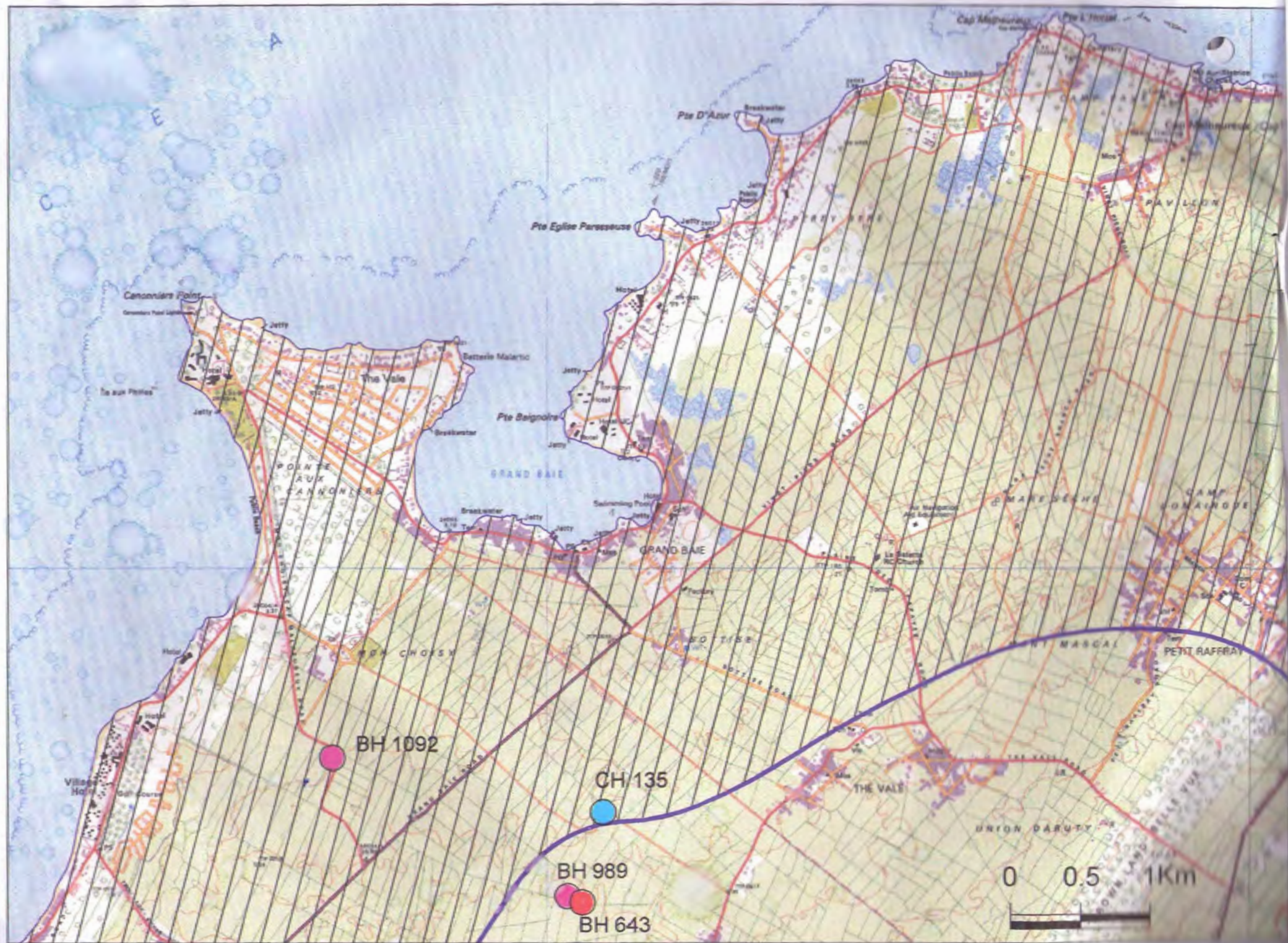
- 2. We are pleased to forward to you:
 - 1. a location plan showing monitoring wells
 - 2. a plan showing the region of sea water intrusion
- 3. Submitted for your kind consideration, please.

Yours faithfully,

S. Boodhoo
(S. Boodhoo)Mrs.
for Director

Wastewater Management Authority	
INCOMING MAIL	
Date Recd	7/2/11
Seen by GM	OSC
Action	Proj. Director Proj. Eng. Donald
N.A	
File Ref.	
C. C.	
Remarks	

677



BH 1092



CH 135

BH 989


BH 643

0 0.5 1Km

Grand Baie

-  Northern Aquifer
-  Sea water Intrusion

0 0.5 1Km



V

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