

GOVERNMENT NOTIFICATION.—No. 531.

The following Extract from the City of Bombay Improvement Act, 1898, was laid before the Legislative Council at a meeting held on the 3rd September, 1902, and is published.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 4th September, 1902.

EXTRACT FROM THE CITY OF BOMBAY IMPROVEMENT ACT, 1898.

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49. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply:—

- (1.) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building;
- (2.) When any addition to, or improvement of, the land or building has been made after the date of publication under Section 27, 32, or 39 of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building;
- (3.) In estimating the market value of the building at the date of the publication of a declaration relating thereto under Section 29, 32, or 39, the Court shall have due regard to the nature and then condition of the property and the probable duration of the building in its existing state and to the state of repair thereof and to the provisions of subsections (4), (5) and (6) of this section;
- (4.) When the owner of the land or building has, after the passing of this Act, and within twenty-four months preceding the date of the publication of a notification relating to the land or building under Section 27, 32, or 39, made a return under Section 155 of the Municipal Act of the rent of the land or building, the rent of the land or building shall not in any such case, save as the Court may otherwise direct, be deemed to be greater than the rent shown in the latest return so made: Provided that where any addition to or improvement of the land or building has been made after the date of such latest return and previous to the date of the publication of a notification under Section 27, 32, or 39 relating to the land or building, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement;
- (5.) If in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;
- (6.) If in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building after being put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair;
- (7.) If in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials, less the cost of demolition.