

The Island of Nauru

No. 6 of 1952.

AN ORDINANCE

To provide for the Acquisition of Land for the purposes of an Aerodrome.

BE it ordained by the Acting Administrator of the Island of Nauru, in pursuance of the powers conferred by Article I of the Agreement between His Majesty's Government in London, His Majesty's Government of the Commonwealth of Australia and His Majesty's Government of the Dominion of New Zealand, as follows:-

1. This Ordinance may be cited as the Aerodrome (Acquisition of Land) Ordinance 1952.

2. In this Ordinance, unless the contrary intention appears

"Councillor" means a member of the Nauru Local Government Council;

"the Administrator" means the Administrator for the time being having the Administration of the Island of Nauru;

"the Gazette" means the Nauru Government Gazette;

"the Head Chief" means the person for the time being holding the office of Head Chief of the Island of Nauru;

"the Lands Ordinance" means the Lands Ordinance 1921-1951 of the Island of Nauru, as amended from time to time.

3. The Administrator may, by notice in the Gazette declare the lands described in the Schedules to this Ordinance to be acquired for the purposes of an aerodrome.

4. - (1.) Upon the publication of a notice in the Gazette under the last preceding section the lands described in the Schedules to this Ordinance shall, by virtue of this Ordinance, become vested in the Administrator freed and discharged from all trusts, obligations, estates, interests, contracts, licences, charges and easements.

(2.) For the purposes of this Ordinance the Administrator is a corporation sole with perpetual succession

notice of acquisition.

5. Forthwith upon the publication of a notice under section three of this Ordinance, the Administrator shall cause a copy of the notice to be served on such of the owners of the land as can be ascertained.

compensation for land.

6. - (1.) The Administrator shall pay to the owners of land acquired under this Ordinance compensation in the form of an amount payable annually in advance in perpetuity.

(2.) The annual amount payable in accordance with this section shall be twice the amount which would be payable at the rate prescribed by section five of the Lands Ordinance as the rental for the lease of non-phosphate-bearing land.

compensation for trees and buildings.

7. - (1.) In addition to the compensation prescribed by the last preceding section the Administrator shall pay to the owners of land acquired under this Ordinance -

(a) compensation at the rates prescribed by section five of the Lands Ordinance for any coconut, pandanus, tomato or almond tree growing upon the land at the date of the acquisition of the land; and

(b) compensation representing the fair value of any building which is upon the land at the date of the acquisition of the land.

(2.) For the purposes of this section the fair value of any building is the value assessed by a Committee comprising the Administrator, the Head Chief and the Councillor representing the District in which the land upon which the building is erected is situated.

compensation for use and occupation of land.

8. The owners of the land described in the First Schedule to this Ordinance shall be paid an amount calculated at the rate of Six pounds per acre per annum as compensation for the use and occupation of the land by the Administrator during the period from 1st November, 1945 to

30th June, 1951 inclusive and at the rate of Nine pounds per acre per annum for the use and occupation of the land by the Administrator during the period from 1st July, 1951 to the date of the acquisition of the land.

Payments
to be made
out of
Public
Revenue.

9. All payments prescribed by this Ordinance shall be made out of the Public Revenue of the Island which is hereby appropriated accordingly.

Claims for
compensation.

10. Any person claiming to be entitled to compensation under sections six, seven or eight of this Ordinance may make in writing a claim for compensation setting out -

- (a) the name and address of the claimant; and
- (b) particulars of the title of the claimant to the land in respect of which compensation is claimed.

Claims to
be served
on Adminis-
trator.

11. A person is not entitled to compensation under sections six, seven or eight of this Ordinance unless he serves on the Administrator, within twenty-eight days after the publication in the Gazette of the notice of acquisition, or within such further time as the Administrator allows, a claim in accordance with the last preceding section.

Acquisition
of compen-
sation.

12. The right of a person to compensation under this Ordinance shall devolve and may be transferred in the same manner and to the same extent (if any) as if that right were the ownership of the land in respect of which that right arose.

THE SCHEDULES

FIRST SCHEDULE

All that piece of land in the Districts of Yarren and Boe, Island of Nauru, Central Pacific Ocean containing an area of 19 acres 2 roods 38 perches more or less commencing at a point which bears 148 degrees 53 minutes 967.80 feet from the southern end of Line 4 of the Main Island Traverse and bounded thence by lines bearing 40 degrees 14 minutes 200 feet, 130 degrees 14 minutes 4300 feet, 220 degrees 14 minutes 200 feet and 310 degrees 14 minutes 4300 feet to the point of commencement.

SECOND SCHEDULE.

All that piece of land in the Districts of Yarren and Boe, Island of Nauru, Central Pacific Ocean containing an area of 77 acres 0 roods 7 perches more or less, commencing at a point which bears 336 degrees 26 minutes 20 seconds 328.80 feet from southern end of Line 4 of the Main Island Traverse and bounded thence by a line bearing 130 degrees 14 minutes 7019 feet to a point on the High Water Mark of the Pacific Ocean thence generally North Westerly by that High Water Mark to another point which bears 310 degrees 14 minutes 85.40 feet, 286 degrees 26 minutes 766.14 feet, 289 degrees 24 minutes 363.26 feet, 291 degrees 25 minutes 355.67 feet, 294 degrees 29 minutes 414.87 feet, 296 degrees 24 minutes 183.74 feet, 130 degrees 14 minutes 56.57 feet from the first mentioned point on that High Water Mark thence by a line bearing 310 degrees 14 minutes 1740 feet, thence by part of the South Eastern boundary, the North Eastern boundary and part of the North Western boundary of Portion 51, District of Yarren bearing respectively 42 degrees 50 minutes 161.46 feet 307 degrees 50 minutes 278.06 feet 221 degrees 50 minutes 149.94 feet thence by lines bearing 310 degrees 14 minutes 2317.14 feet, 247 degrees 22 minutes 40.24 feet to a point on the High Water Mark of the Pacific Ocean thence generally North Westerly by that High Water Mark to another point which bears 328 degrees 49 minutes 153.64 feet, 337 degrees 44 minutes 608.60 feet from the last mentioned point on that High Water Mark thence by a line bearing 40 degrees 14 minutes 415.85 feet to the point of commencement excluding from out the land above described all that piece of land commencing at a point which bears 148 degrees 53 minutes 967.80 feet from the southern end of Line 4 of the Main Island Traverse and bounded thence by lines bearing 40 degrees 14 minutes 200 feet 130 degrees 14 minutes 4300 feet 220 degrees 14 minutes 200 feet and 310 degrees 14 minutes 4300 feet to the point of commencement.

DATED this Seventh day of October, 1952.

(J.K. Lawrence,)
Acting Administrator