

THE RECOVERY OF COMPENSATION FOR INJURY TO PROPERTY LAW.

(CAP. 146.)

RECOVERY OF COMPENSATION FOR INJURY TO PROPERTY REGULATIONS.

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1. These regulations may be cited as the Recovery of Compensation for Injury to Property Regulations.

2. In these regulations—

“the Law” means the Recovery of Compensation for Injury to Property Law, or any Law amending or substituted for the same.

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3. Every application to the Commissioner under section 6 (5) of the Law shall be in writing and duly signed by the applicant and shall be in the Form A in the First Appendix hereto.

First Appendix, Form A.

4. Every objection under section 8 of the Law lodged by a complainant shall be in writing and duly signed by the person objecting and shall be in the Form B in the First Appendix hereto.

First Appendix, Form B.

5. Every objection under section 8 of the Law lodged by any person whose name appears in the list posted by the Mukhtar under section 7 of the Law shall be in writing and duly signed by the person objecting and shall be in the Form C in the First Appendix hereto.

First Appendix, Form C.

6. Every application or objection under regulations 3, 4 and 5 hereof respectively shall be filed by the Commissioner writing thereon the word “filed” together with the date on which same has come to his hands and adding thereto his signature.

7.—(a) The Commissioner shall fix a day for an inquiry on any application under regulation 3 hereof or on any objection under regulation 4 or 5 hereof and such day shall ordinarily be not less than ten days from the receipt of such application or objection unless the Commissioner otherwise directs.

(b) Notice of the day of inquiry so fixed shall be in the Form A in the Second Appendix hereto and shall be served by or on behalf of the applicant or the objector on such persons as may, in the opinion of the Commissioner, be affected by the inquiry by delivering a copy thereof to the person or persons to be served or by leaving same at his or their usual place of abode with any adult inmate thereof:

Second Appendix, Form A.

Provided that the Commissioner may direct that the notice be posted at some specified conspicuous place in the village or villages concerned and such posting of the notice shall be deemed to be sufficient service of same upon all persons therein named.

8. The Commissioner shall take down in writing in the form of narrative all oral evidence given before him at an inquiry.

9. Subject to the provisions of section 10 of the Law, the Commissioner shall not be bound by any rules of evidence which may pertain to civil or criminal proceedings before a Court of Law.

10. The Commissioner may at any time adjourn an inquiry to any future day.

11. The Commissioner may sit for the inquiry at any place within his district.

12.—(a) A summons to any person to attend any inquiry under the Law or to produce any documents in his possession shall be under the hand of the Commissioner issuing the same and shall be in the Form B in the Second Appendix hereto and if issued at the instance of any person such person must make an application in writing to the Commissioner in the Form C in the Second Appendix hereto.

Second Appendix, Form B.
Form C.

(b) A summons under this regulation shall be served by or on behalf of the person at whose instance the summons is issued :

Provided that if the summons is issued at the instance of the Commissioner same shall be served by the police.

13. A warrant to compel the attendance of a person who having been summoned failed to attend shall be under the hand of the Commissioner issuing the same and shall be in the Form D in the Second Appendix hereto.

Second Appendix, Form D.

14.—(a) Every notice under regulation 7 hereof and every summons under regulation 12 hereof must ordinarily be served at least five days prior to the day on which the person affected thereby is required to appear or on which the proceeding whereof notice is given is to be had or taken, unless the Commissioner otherwise directs.

(b) Service of any document required to be served under these regulations may be proved by oral evidence of the person by whom service was effected or by an affidavit setting forth the manner, time and place of service, to be sworn before the Registrar of a District Court and such affidavit shall be taken as evidence of all the matters therein stated, until evidence to the contrary be adduced.

15. The procedure at the inquiry shall be as nearly as possible like the procedure at the hearing of a civil action under the Rules of Court, 1938, or any amendment thereof :

Provided that the Commissioner shall have power in his discretion to regulate the course of the inquiry in any way which may appear desirable and which is not inconsistent with the provisions of the said Rules, and

Provided also that no advocate shall be allowed to appear at any inquiry on behalf of any party affected by such inquiry.

16. The Commissioner may in his discretion award to any successful party such costs as may have been reasonably incurred by such party in connection with the inquiry before the Commissioner or are incidental thereto and may include such costs in the list in respect of which an objection had been lodged or include them in any certificate which he may issue in respect thereof under the Law.

Third Appendix, Part I.

17.—(1) The fees in Part I of the Third Appendix hereto shall be paid by the complainant to the persons therein mentioned and shall be included in the list prepared by the Mukhtar or by any person who may be appointed by the Commissioner under section 17 of the Law.

Part II.

(2) The fees in Part II of the Third Appendix hereto shall be charged and paid in respect of the several matters specified therein and all such fees shall, unless otherwise ordered by the Commissioner, be payable in stamps and shall in all cases be paid before or at the time of doing of the matter in respect of which they are paid.

FIRST APPENDIX.

FORM A.

(Regulation 3.)

In the matter of the Recovery of Compensation for Injury to Property Law, Cap. 146,

and

In the matter of the application of A.B. of

To the Commissioner of

Whereas damage or destruction to my property as hereinafter has been caused by persons unknown/by undetected animals/by undetected sheep or goats :

And whereas the Mukhtar of and the Commission have refused to estimate the said damage or destruction on the ground that

Now, therefore, I hereby apply for an inquiry into the matter and for an order that the Mukhtar of..... and two members of the Commission of the said village should estimate the compensation payable to me in accordance with the Recovery of Compensation for Injury to Property Law, Cap. 146.

Nature of property damaged or destroyed.	Nature of injury	Village or villages within the land of which the property is situated or damage or destruction caused.

The applicant,

(Signature or mark).....

Dated....., 19....

FORM B.

(Regulation 4.)

In the matter of the Recovery of Compensation for Injury to Property Law, Cap. 146,

and

In the matter of the objection by the complainant A.B..... of.....

To the Commissioner of.....

Whereas the damage or destruction to my property as hereinafter has been estimated by the Mukhtar of..... and the Commission to be £.....:

And whereas I have not agreed with this estimate :

And whereas the amount of compensation as contained in the list prepared by the Mukhtar as aforesaid in respect of the damage or destruction as aforesaid is inadequate :

Now, therefore, I hereby object to the said list and apply that the same may be altered and amended so that the total amount of compensation payable to me should be £..... instead of £..... as aforesaid.

Nature of property damaged or destroyed	Nature of injury

The applicant,

(Signature or mark).....

Dated....., 19....