

Town-planning Regulations, 1927, any provisions requiring or intended to secure uniformity of contiguous buildings in any one or more respects.

8. The validity of a scheme and the provisions thereof shall not be called in question by reason of any omission or irregularity in the procedure prescribed for its preparation, adoption, approval, or enactment, or on the ground that any provision thereof is not authorized by the said Act and these regulations, unless proceedings are instituted for that purpose and served on the Council within two months after notice of the final approval of the scheme by the Board has been published in the *Gazette*, nor shall the validity of a scheme be affected by any such omission or irregularity unless the Court is of opinion that such omission or irregularity was calculated to produce, or capable of producing, substantial injustice to any person.

9. The Board may delegate to a Committee of any three or more of its members any of the powers, duties, or discretions conferred on the Board by the said Act or by these regulations, and the exercise by any such Committee of any such powers, duties, or discretions shall be *prima facie* evidence that the same have been duly delegated.

10. Any power conferred by the said Act on the Director of Town-planning may, for the purposes of these regulations and any scheme hereunder, be exercised by a person appointed by the Governor-General to act as Deputy Director of Town-planning either generally under any power authorizing him in that behalf or for the purposes of these regulations.

PART III.—BETTERMENT.

11. For the purposes of this part of these regulations the expression "betterment increase" in relation to any land means such ascertained or estimated increase in the value of that land as is peculiar to that land, alone or in common with any other land in a development area or elsewhere, and is attributable to the existence of a scheme, or to the carrying-out of any work authorized by the scheme, or to the enactment of any of the provisions thereof, and includes any increase in value fairly attributable to the anticipation of the provisions comprised in a scheme, notwithstanding that such increase be shown to have accrued prior to the date when the scheme came into force, but does not include a proportionate increase in value of the whole of the land in a development area attributable to the existence of a development scheme or to the enactment of any of the provisions thereof having general and equal application throughout the development area.

12. For the purpose of assessing betterment increase the value of land exclusive of such increase shall be the sum which the Court considers was its value on the 4th day of February, 1931.

13. The increase in value attributable to the matters set out in Regulation 11 hereof shall be deemed to include every such increase estimated to accrue within a period of five years from the date of coming into force of the scheme or a period of one year from the completion of the work by reason of which betterment increase is claimed to exist, whichever date is the later.

14. On compliance with the requirements hereinafter set out the Council shall be entitled to recover the full betterment increase of any land in the development area, notwithstanding that such land may at any time not be rateable property within the meaning of the Rating Act, 1925.

15. When the Council proposes to claim betterment increase in respect of any land it shall cause notice of its intention to make such claim to be served upon the owners and occupiers and any other person having an interest in such land, so far as they can be ascertained, and such notice shall set out whether the claim is (a) in respect of the carrying-out of any particular work, or (b) otherwise than in respect of the carrying-out of a particular work; and in the former case shall describe in general terms the work referred to, but it shall not be necessary in any such notice to state the amount which it is proposed to claim.

16. If betterment increase is claimed in respect of the carrying-out of any particular work such notice shall be served within three months after the commencement of such work, and if betterment increase is claimed otherwise than in respect of the carrying-out of any particular work such notice shall be served within three months after the date of coming into force of the scheme.

17. The Council may at any time after such notice has been served institute proceedings for recovery by way of betterment increase of such amount as it thinks proper, but no such proceedings shall be instituted against any person after the expiration of five years from the date of service of such notice upon that person.

18. The amount of any claim for betterment increase shall be decided by the Court, and the Court shall have jurisdiction to determine who are the owners of any land or the owners of any estate or interest in any land, and to apportion

amongst the respective owners of any estate or interest in such land the liability to pay the shares of any betterment increase awarded, having regard to the proportionate values of the respective estates and interests of such owners to the degree to which such values have been or are likely to be increased by the betterment increase, and to any other relevant considerations.

19. Every award shall set out the matters in respect of which the betterment increase referred to therein is intended to be awarded.

20. The fact that betterment increase has been awarded in respect of the carrying-out of any particular work, or otherwise than in respect of the carrying-out of any particular work, shall not prevent a further claim from being made for betterment increase in respect of any matter not taken into account in the previous award.

21. Any person having an interest in land in respect of which the Council has served a notice of its intention to claim betterment increase may at any time, in lieu of waiting for proceedings to be instituted by the Council, serve upon the Council a notice requiring that such claim and the existence of any right in the Council to make a claim for betterment increase be decided by the Court; and such notice shall have the same effect for the purpose of instituting proceedings as if it were a claim made by the Council.

22. Every person being an owner in fee of land in respect of which any betterment increase is awarded by the Court, and any other person having any estate or interest in the land whom the Court may in its discretion declare to be primarily liable, shall be primarily liable for payment thereof to the Council; and the amount of such betterment increase or any part thereof for the time being due and payable, with any interest accrued and payable, may from time to time be recovered by the Council as a debt in any Court of competent jurisdiction from any person primarily liable; and such primary liability shall not be affected by any apportionment of liability among the respective owners of any estate or interest in such land, but any person paying the same shall be entitled to contribution from such respective owners according to the Court's apportionment.

23. The amount of any betterment increase awarded by the Court shall, as the Court in its discretion may order, be payable either (a) forthwith, or (b) together with interest at such rate as the Court may order by equal annual sums payable on an annual date and over a period not exceeding twenty years, to be fixed by the Court.

24. The Government Actuary shall, on payment of a reasonable fee, furnish to the Council such tables as may be necessary, showing the fixed annual sum required to discharge the amount in the period fixed by the Court, with interest at the rate ordered by the Court, and the amount required to redeem any annual instalment of such fixed sum prior to its due date, or the method of ascertaining the amount so required.

25. Any person primarily liable for the same may pay any annual instalment prior to its due date, and interest payable to the Council on the sum so paid shall abate accordingly, but the person making such payment shall remain entitled to interest from any person from whom he is entitled to contribution according to the Court's apportionment.

26. Where the Court orders that the amount of any betterment increase be payable by equal annual sums over a period of years, the annual sum so fixed shall for all purposes be deemed to be a special rate duly made and levied by the Council on the land affected and the provisions of the Rating Act, 1925, shall, *mutatis mutandis*, apply accordingly, but it shall not be necessary for the Council to provide any valuation roll or rate-book in respect of each annual payment.

27. In any case where the provisions of the last preceding regulation hereof apply the amount of betterment increase shall not be registrable as a charge against the land affected: Provided that nothing herein shall affect the priority of such sum as a special rate duly made and levied by the Council.

28. On the subdivision of any land subject to payment of an annual sum under this Part of these regulations, such sum may be apportioned among the several subdivisions by agreement in writing made between the Council and the owner or owners thereof, or, in default of such agreement, by a certificate of the Valuer-General, acting at the request of the Council and at its expense.

29. Nothing in this Part of these regulations shall limit the operation of section 193 of the Municipal Corporations Act, 1920; but any amounts paid or payable to the Council pursuant to that section may be taken into account in determining the amount of any betterment increase for the purposes of this Part of these regulations.

PART IV.—COMPENSATION.

30. Any person having any estate or interest in any land taken for any purpose comprised in a scheme, or injuriously affected by the taking of any land or the carrying-out of any work comprised in a scheme, shall be entitled to full compensation for the same from the Council.