

157. DETERMINATION OF COMPENSATION BY THE WARDEN.

- (1) The:—
 - (a) holder of a tenement; or
 - (b) landholders claiming an entitlement to compensation, including the claimants to disputed land, may, where they are unable to agree on the amount of compensation to be paid, by notice to the Chief Warden, request a Warden to determine the amount payable.
- (2) On receipt of a notice under Subsection (1), the Chief Warden shall:—

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- (a) fix a place or places and date or dates for conducting a determination of the amount of compensation to be paid; and
 - (b) notify the holder of the tenement and the claimant of the place or places and date or dates fixed; and
 - (c) at that place and on that date conduct a determination of the amount of compensation to be paid.
- (3) In conducting a determination under this section the Warden shall allow the holder of the tenement and the claimant to present their evidences and arguments to him in such manner as he thinks fit, but shall at all times have regard for the principles of natural justice.
- (4) The Warden shall:—
- (a) make a determination on the basis of the evidence presented to him and the argument submitted to him and in accordance with the principle of compensation specified in Section 154; and
 - (b) record his decision in writing; and
 - (e) give a copy of his decision to the holder of the tenement and the claimant.
- (5) Where the Warden considers it impracticable or inexpedient to assess the amount of compensation to be paid in full satisfaction of the loss or damage, the Warden may make a determination as to the compensation payable in respect of a part of the total claim for compensation and defer his assessment of the total claim until a later hearing.
- (6) A determination in part under Subsection (5) shall meet the requirements of Section