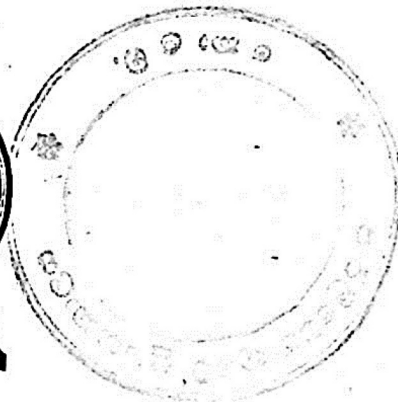




PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

TRANSFER OF POWERS
(ANURADHAPURA PRESERVATION BOARD)
(AMENDMENT)
ACT, No. 47 OF 1979

[Certified on 19th July, 1979]

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AN ACT TO AMEND THE TRANSFER OF POWERS (ANURADHAPURA PRESERVATION BOARD) LAW, NO. 25 OF 1974.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Transfer of Powers (Anuradhapura Preservation Board) (Amendment) Act, No. 47 of 1979.

Short title.

2. Section 3 of the Transfer of Powers (Anuradhapura Preservation Board) Law, No. 25 of 1974 (hereinafter referred to as the “principal enactment”) is hereby amended as follows:—

Amendment of section 3 of Law No. 25 of 1974.

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following new subsection:—

“ (1) Notwithstanding the provisions of the Urban Councils Ordinance, the Minister may by Order published in the *Gazette*, appoint a Special Commissioner to administer the affairs of the Urban Council.”; and

(2) by the insertion immediately after subsection (2) of that section, of the following new subsections:—

“ (3) At any time after the appointment of a Special Commissioner under subsection (1) to administer the affairs of the Urban Council the Minister may by Order published in the *Gazette*—

(a) direct that the first general election in accordance with the provisions of the Local Authorities Elections Ordinance shall be held for the election of the Chairman, Vice-Chairman and other members of the Urban Council; and

(b) appoint the date on which the term of office of the Chairman, Vice-Chairman and other members elected at such first general election commence.

(4) The Special Commissioner appointed under subsection (1) shall on the date of commencement of the term of office of the Chairman, Vice-Chairman and other members of the Urban Council, cease to

hold such office and to administer the affairs of the Urban Council and all the property and the rights under contracts and all the powers of the Urban Council deemed to be vested in such Special Commissioner, and all the duties and liabilities of Urban Council, transferred to such Special Commissioner under subsection (2), shall be vested in, transferred to and discharged by the Urban Council.”.

Amendment
of section 4
of the principal
enactment.

3. Section 4 of the principal enactment is hereby amended as follows :—

(1) by the repeal of subsection (1) of that section and the substitution therefor of the following new subsection :—

“ (1) Notwithstanding the provisions of the Village Councils Ordinance, the Minister may by Order published in the *Gazette*, appoint an Administrator to administer the affairs of the Village Council.”; and

(2) by the insertion immediately after subsection (2) of that section of the following new subsections :—

“ (3) At any time after the appointment of an Administrator under subsection (1), to administer the affairs of a Village Council, the Minister may by Order published in the *Gazette*—

(a) direct that the first general election in accordance with the provisions of the Local Authorities Elections Ordinance shall be held for the election of the Chairman, Vice-Chairman and the other members of that Village Council; and

(b) appoint the date on which the term of office of each member elected at such first general election shall commence.

(4) The Administrator appointed under subsection (1) shall on the date of commencement of the term of office of the Chairman, Vice-Chairman and other members of the Village Council, cease to hold such office and to administer the affairs of the village council and all the property and the rights under contracts and all the powers of the Village Council deemed to be vested in such Administrator

and all the duties and liabilities of the Village Council transferred to such Administrator under subsection (2) shall be vested in, transferred to, and discharged by the Village Council."

4. Section 5 of the principal enactment is hereby amended as follows :—

Amendment
of section 5
of the
principal
enactment.

(1) by the repeal of paragraph (a) of that section and the substitution therefor of the following new paragraph :—

' (a) all the immovable property—

(i) vested in the Board by section 34 of the Anuradhapura Preservation Board Act (hereinafter referred to as the "Board Act") ;

(ii) acquired for the Board under the Land Acquisition Act in accordance with the provisions of section 15 of the Board Act ;

(iii) vested in the Board by section 17 of the Board Act ;

(iv) purchased by the Board ; and

(v) acquired or purchased by the Special Commissioner after the dissolution of the former Anuradhapura Urban Council,

other than—

(a) any such property in the possession or charge of any Government Department, immediately prior to the date of the constitution of the Urban Council ; and

(b) the power house belonging to such Board, situated outside the administrative limits of the Urban Council,

is hereby transferred to and vested in the local authority within whose administrative limits such property is situated and any such property vested in such local authority which is immovable property of the State vested in the Board subject to any conditions shall be held by that local authority subject to those conditions ;' ; and

- (2) in paragraph (b) of that section, by the omission of the words "other than in respect of any lease referred to in paragraph (a) of this section."

Replacement of section 6 of the principal enactment.

5. Section 6 of the principal enactment is hereby repealed and the following new section substituted therefor:—

"Other property vested in local authority.

6. (a) All State lands, with or without buildings, that had been used by the Board for any of its purposes; and

(b) all shops, markets and residential houses which were constructed by the Government, but were administered by the Board,

on the date immediately before the date of the constitution of the Urban Council shall with effect from the date of such constitution be deemed to have vested in the local authority within whose administrative limits such property is situated."

Amendment of section 12 of the principal enactment.

6. Section 12 of the principal enactment is hereby amended by the substitution for subsection (2) thereof of the following new subsection:—

"(2) Every lease or alienation of any State land, whether with or without buildings thereon, within the Area of Authority of the Board (other than any lease or alienation of State lands, with or without buildings thereon vested in the local authority under this Law) granted by the Board shall be deemed to be lease or alienation granted by the Government Agent of the administrative district in which such land is situated, and may be enforced or acted upon as fully and effectually as if such Government Agent had been a party to such lease or alienation."

Amendment of section 15 of the principal enactment.

7. Section 15 of the principal enactment is hereby amended as follows:—

(1) by the insertion immediately after the definition "administrator" in that section, of the following definition:—

"alienation" includes—

(1) any conveyance, transfer, grant or any other disposition whatsoever; and

(2) the transfer of possession under any purported, proposed or intended conveyance, transfer, grant or any other disposition whatsoever; and

(2) by the insertion immediately after the definition "by law" in that section of the following definition :—

"former Anuradhapura Urban Council" means the Urban Council which was constituted for the town of Anuradhapura under the Urban Councils Ordinance, and was subsequently dissolved by Order made and published under section 184 of that Ordinance ;'.

8. With effect from the date of commencement of this Act, all the property of the following classes, namely—

Certain property formerly vested in the local authority to vest in the State.

- (a) waste land and open spaces ;
- (b) stone, cabook, and gravel quarries ;
- (c) public lakes and streams ;
- (d) public tanks, ponds and channels ;
- (e) state lands, whether with or without buildings ; and
- (f) public parks and gardens and all erections and structures therein,

vested in the local authority within whose administrative limits such property is situated, other than all the property deemed to have vested in such local authority, by section 6 of the principal enactment, as amended by section 5 of this Act is hereby vested in the State.

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