

PARLIAMENT OF CEYLON

4th Session 1955-56



Conversion of Estate Roads into Public Roads Act, No. 18 of 1956

Date of Assent: February 17, 1956

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AN ACT TO ENABLE THE COMPULSORY CONVERSION OF ANY ESTATE ROAD INTO A PUBLIC ROAD IF THE PUBLIC INTEREST NECESSITATES IT, AND TO PROVIDE FOR MATTERS CONNECTED WITH, OR INCIDENTAL TO SUCH CONVERSION.

[Date of Assent: February 17, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Conversion of Estate Roads into Public Roads Act, No. 18 of 1956.

Short title.

PART I.

PUBLIC ROAD ORDERS.

2. (1) Where the Minister decides that any estate road should, in the public interest, be compulsorily converted into a public road, the appropriate road authority shall by written order, hereinafter referred to as a "public road order",—

Public Road Orders.

(a) declare—

(i) that such estate road shall be a public road; and

(ii) if any estate land is required for the purpose of the widening, extension or diversion of such road, that such estate land shall be a road reservation for that purpose; and

(b) determine, after consultation with the Director of Public Works, whether the responsibility for the maintenance of that road shall be imposed on the Public Works Department or the owner or owners of the estate affected by the order.

(2) The declaration made under paragraph (a) of sub-section (1) is hereinafter referred to as a "public road declaration".

(3) Where a public road order is made, the appropriate road authority shall cause to be sent by registered post—

(a) to the person for the time being in charge of the estate affected by that order, and

4 *Conversion of Estate Roads into Public Roads*
Act, No. 18 of 1956

(b) to the owner or each owner of such estate if he is a resident of Ceylon and his address is known,

a copy of that order certified under the hand of such road authority and a written notice specifying the period within which the owner or any owner of such estate may appeal from the public road declaration made by that order to the Board of Review. Such period shall not be less than twenty-one days.

(4) A public road order shall not be in operation during the time allowed for the making of an appeal from the public road declaration made by that order. Where no appeal from that declaration is made within the time allowed therefor, that order shall come into operation on the expiry of that time, and where such an appeal is disallowed, that order shall come into operation on the day immediately following the date on which the appeal is disallowed.

(5) A public road order which is in operation shall have the force of law.

Appeal from a
public road
declaration.

3. Where a public road declaration is made by a public road order in respect of an estate road or an estate land, the owner or any owner of the estate to which that road or land belonged immediately before that order may, within the period specified in the notice under section 2, appeal from that declaration to the Board of Review.

Effect of a
public road
order.

4. (1) An estate road which is declared by a public road order to be a public road shall, when that order comes into operation, be deemed to be required for a public purpose, and may be acquired by the Government under the Land Acquisition Act, No. 9 of 1950. No such estate road shall, notwithstanding anything in any other written law, be the property of the Crown until it is so acquired.

(2) An estate land which is declared by a public road order to be a road reservation shall, when that order comes into operation, be deemed to be required for a public purpose, and may be acquired by the Government under the Land Acquisition Act, No. 9 of 1950.

(3) The responsibility for the maintenance of an estate road which is declared by a public road order to be a public road shall, when that order comes into operation, be as determined by that order.

Conversion of Estate Roads into Public Roads 5
Act, No. 18 of 1956

5. (1) As soon as possible after an estate road becomes a public road by virtue of a public road order, the appropriate road authority shall, after such inquiry as that authority may deem necessary, determine—

- (a) whether, in consequence of the conversion of that estate road into a public road, the owner or owners of the estate affected by that order will have to take measures for the prevention of loss or damage to that estate and, if so, the amount which shall be paid by that authority as the reasonable cost of taking such measures, and
- (b) where that estate is owned by more than one person, the apportionment of that amount to the owners of that estate.

A determination under this sub-section is hereinafter referred to as a “determination of protective measures”.

(2) Where a determination of protective measures is made in respect of an estate, the appropriate road authority shall cause written notice of that determination to be sent by registered post—

- (a) to the person for the time being in charge of that estate, and
- (b) to the owner or each owner of that estate if he is a resident of Ceylon and his address is known.

The notice shall specify the period within which the owner or any owner of that estate may appeal from that determination to the Board of Review. Such period shall not be less than twenty-one days.

(3) Where a determination of protective measures is made in respect of an estate, the owner or any owner of that estate may, within the period specified in the notice under sub-section (2), appeal from that determination to the Board of Review.

(4) Where a determination of protective measures specifies an amount to be paid by the appropriate road authority to the owner or owners of an estate, that authority shall—

- (a) if no appeal from that determination is made to the Board of Review within the time allowed therefor by this Act or if such an

Determination of the question whether protective measures are required in respect of an estate affected by a public road order and, if so, their reasonable cost, and the tender and payment thereof.

6 *Conversion of Estate Roads into Public Roads Act, No. 18 of 1956*

appeal is disallowed by that Board, tender to such owner or each such owner the amount to which he is entitled under that determination, and

(b) if an appeal from that determination is allowed by that Board, tender to such owner or each such owner the amount to which he is entitled under the fresh determination made in appeal by that Board, and shall pay the tendered amount to the person to whom it is tendered if he consents to receive it.

Determination of Government's contribution to cost of maintenance of a road which becomes a public road by virtue of a public road order.

6. (1) Where the responsibility for the maintenance of a public road is imposed on the owner or owners of any estate by any public road order, the appropriate road authority shall, after consultation with the Director of Public Works, determine—

(a) what portion of the cost of such maintenance shall be paid from time to time to such owner or owners by the Director of Public Works, and

(b) where that estate is owned by more than one person, the apportionment of the Government's contribution to the owners of that estate.

(2) The Government's contribution under this Act to the cost of maintenance of a road may be increased or reduced from time to time by the appropriate road authority, after consultation with the Director of Public Works, by a fresh determination made either of his own motion or on application made in that behalf by the owner or any of the owners of the estate on whom the responsibility for the maintenance of that road is imposed under this Act.

(3) Where the appropriate road authority determines the Government's contribution under this Act to the cost of maintenance of a road, he shall cause written notice of the determination to be sent by registered post—

(a) to the person for the time being in charge of the estate on the owner or owners of which the responsibility for the maintenance of that road is imposed under this Act, and

(b) to such owner or each such owner if he is a resident of Ceylon and his address is known.

Conversion of Estate Roads into Public Roads 7
Act, No. 18 of 1956

If the determination does not increase the amount of the Government's contribution, the notice shall specify the period within which the owner or any owner of such estate may appeal from the determination to the Board of Review. Such period shall not be less than twenty-one days.

(4) Where a determination of the Government's contribution under this Act to the cost of maintenance of a road, other than a determination increasing the amount of such contribution, is made, the owner or any of the owners of the estate on whom the responsibility for the maintenance of that road is imposed under this Act may, within the period specified in the notice under sub-section (3), appeal from that determination to the Board of Review.

(5) The determination of the Government's contribution under this Act to the cost of maintenance of a road shall,—

(a) if no right of appeal to the Board of Review from that determination is conferred by sub-section (4) or if no such appeal is made within the time allowed therefor by this section or if such an appeal is disallowed by that Board, have effect, and

(b) if an appeal from that determination is allowed by that Board, be superseded by a fresh determination of such contribution made in appeal by that Board.

7. (1) Where the responsibility for the maintenance of a road is imposed under this Act on the owner or owners of an estate, the Director of Public Works shall cause a written notice to be sent by registered post to the person in charge of that estate directing him to carry out, within the time specified in the notice, such work connected with the maintenance of that road as is so specified, and shall cause a copy of the notice to be sent by registered post to the owner or each owner of that estate if he is a resident of Ceylon and his address is known.

Maintenance
of public
roads by
owners of
estates.

(2) Where the person in charge of an estate complies with a notice sent to him under sub-section (1), the Director of Public Works shall, if the owner or each owner of that estate is a resident of Ceylon whose address is known, tender to such owner or each such owner the amount to which he is entitled out of the

8 *Conversion of Estate Roads into Public Roads Act, No. 18 of 1956*

Government's contribution under this Act to the cost of maintenance of the road to which that notice relates, and shall pay the tendered amount to the person to whom it is tendered if he consents to receive it.

(3) Where the person in charge of an estate fails to comply with a notice sent to him under sub-section (1), the Director of Public Works shall cause the work specified in the notice to be carried out by the Public Works Department, and the expenses incurred by the Public Works Department in carrying out that work less the amount of the Government's contribution under this Act to such expenses shall, upon demand made in writing by the Director of Public Works, be paid to such Director by the owner or owners of that estate within the time allowed by such Director.

(4) Where any sum payable to the Director of Public Works under sub-section (3) by the owner or owners of an estate is not paid within the time allowed by such Director, then such Director or any person authorised by him in writing in that behalf may seize and sell the produce of, and any movable property belonging to, that estate, and such Director shall cause the aforesaid sum and the expenses incurred in connection with the seizure and sale to be deducted from the proceeds of the sale and the balance of such proceeds to be returned to such owner or owners.

PART II.

GENERAL.

Payment of
sums due to a
minor or a
person of
unsound mind.

8. (1) Where a sum not exceeding one hundred rupees is payable under this Act to any person who is a minor or is of unsound mind, that sum may, if he is a minor, be paid to him or, if he is a minor or of unsound mind, be paid for his benefit to any other person who is maintaining him.

(2) Where any sum payable under this Act to any person who is a minor or is of unsound mind exceeds one hundred rupees or is not paid in the manner permitted by sub-section (1), that sum shall, according as that sum exceeds or does not exceed three hundred rupees, be paid, for the benefit of that person, to the District Court or the Court of Requests having jurisdiction over the place where the estate in respect of which that sum is payable is situated.

Conversion of Estate Roads into Public Roads - 9
Act, No. 18 of 1956

9. Where a person to whom any sum is payable under this Act declines to receive it when it is tendered to him, or is dead or cannot be found after diligent search, that sum shall, according as that sum exceeds or does not exceed three hundred rupees, be paid to the District Court or the Court of Requests having jurisdiction over the place where the estate in respect of which that sum is payable is situated, to be drawn by the person entitled thereto.

Sums which cannot be paid to persons to whom such sums are due.

10. Section 19, sub-sections (2) and (3) of section 20 and sections 22 to 25 of the Land Acquisition Act, No. 9 of 1950, shall apply in relation to any appeal to the Board of Review under this Act subject to such amendments, omissions or modifications as may be prescribed.

Certain provisions of Land Acquisition Act to apply in the case of appeals to the Board of Review.

11. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for or in respect of any matter authorised to be prescribed by section 10.

(3) No regulation made by the Minister under this section shall have effect until it is approved by the Senate and the House of Representatives and notice of such approval is published in the *Gazette*.

12. The Director of Public Works may, by general or special order in writing, delegate to any Executive Engineer of the Public Works Department any of the powers or duties conferred or imposed on such Director by this Act.

Delegation of powers and duties of the Director of Public Works under this Act.

13. The Thoroughfares Ordinance shall, in its application in the case of any road which is a public road by virtue of a public road order made under this Act, have effect subject to the provisions of this Act.

The Thoroughfares Ordinance to apply subject to the provisions of this Act.

14. In this Act, unless the context otherwise requires—

Interpretation.

“ appropriate road authority ”, with reference to a road or a road reservation, means the Government Agent, or the Assistant

*10 Conversion of Estate Roads into Public Roads
Act, No. 18 of 1956*

Government Agent, of the Administrative District in which that road or road reservation is wholly or partly situated;

“ Board of Review ” means the Board of Review constituted under the Land Acquisition Act, No. 9 of 1950;

“ estate ” means any land or group of lands, whether cultivated or uncultivated, which is not less than twenty acres in extent and which forms a separate and distinct property;

“ estate land ” means land which belongs to an estate;

“ estate road ” means a road which belongs to an estate and includes all such land adjoining the road as has been reserved for the protection or benefit of the road; and

“ road reservation ” means a road reservation declared by a public road order made under this Act.