

PARLIAMENT OF CEYLON

1st Session 1956-57



Municipal Councils (Amendment) Act, No. 15 of 1957

Date of Assent : March 28, 1957

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AN ACT TO AMEND THE MUNICIPAL COUNCILS
ORDINANCE, No. 29 OF 1947.

[Date of Assent: March 28, 1957]

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 Municipal Councils (Amendment) Act, No. 15 of 1957.

Short title.

2. The Municipal Councils Ordinance, No. 29 of 1947 (hereinafter referred to as the "principal enactment") is hereby amended by the insertion, immediately after section 43, of the following new section which shall have effect as section 43A, of that Ordinance:—

Insertion of
new section 43A
in Ordinance
No. 29 of 1947.

"Demolition of
unauthorised
buildings.

43A. (1) The Mayor of a Municipal Council may cause a written notice to be served on the occupier of any unauthorised building directing such occupier to demolish that building.

(2) Where a notice served under sub-section (1) on the occupier of an unauthorised building is not complied with within fourteen days reckoned from the date of such service, the Mayor may cause that building to be demolished; and any person or persons acting under the authority of the Mayor may enter the land on which such building is situated and do all such acts as may be necessary for the purpose of such demolition.

(3) The provisions of section 69 shall *mutatis mutandis* apply in the case of any building demolished under sub-section (2) in like manner and to the same extent as they apply in the case of any building pulled down under section 68.

(4) No action or other proceeding shall lie against any person for any act done in the exercise of the powers conferred

by sub-section (2), and no person shall be entitled to any compensation for any damage or loss caused by such act.

(5) In this section, the expression "unauthorised building" means any building situated within the administrative limits of a Municipal Council and erected on any land belonging to or vested in the Crown or that Council without prior permission given by or on behalf of the Crown, or that Council, as the case may be."

Amendment of
section 18A of
the principal
enactment.

3. Section 184A of the principal enactment (inserted by Act No. 44 of 1954) is hereby amended as follows:—

(a) in sub-section (1) of that section—

(i) by the substitution, for the words "that service", of the following:—

"that service, and of service in any business or undertaking taken over by the Council prior to his becoming an officer or servant of the Council," ;
and

(ii) by the insertion, at the end of that sub-section, of the following:—

"Any such officer or servant to whom a pension is granted under the preceding provisions of this sub-section may, at his option which shall be exercised within such period as may be determined by the Council, be paid, in lieu of such pension, a pension at the rate of three-fourths of such pension, together with a gratuity equal to ten times the annual value of the reduction so made in such pension."

(b) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

"(1A) Where no pension, annuity or gratuity or no adequate pension, annuity or gratuity is payable to the widow, children, next of kin or dependants of any deceased officer or servant of the Council

under any by-laws or rules of that Council or under any scheme or fund established under the Local Government Service Ordinance, the Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant out of the Municipal Fund to such widow, children, next of kin or dependants a pension, annuity or gratuity.”;

(c) in sub-section (2) of that section—

(i) by the substitution, for the expression “sub-section (1)”, of the expression “sub-section (1) or sub-section (1A)”, and

(ii) by the substitution, for the words “pension, gratuity, or retiring allowance under that sub-section.”, of the words “pension, annuity, gratuity or retiring allowance under either of those sub-sections.”; and

(d) in the marginal note to that section, by the substitution, for the words “pension, gratuity,”, of the words “pension, annuity, gratuity,”.

4. The following new section is hereby inserted in Part VIII of the principal enactment immediately after section 184A, and shall have effect as section 184B, of that enactment:—

Insertion of
new section
184B in the
principal
enactment.

“Power to
establish
gratuity
scheme.

184B. (1) A Municipal Council may, with the approval of the Minister given with the concurrence of the Minister of Finance, make rules providing for the establishment of, and may establish in accordance with such rules, a scheme for the payment of gratuities to temporary officers and servants of that Council upon their discontinuance from the service of that Council.

(2) Rules under sub-section (1) may be so made by a Municipal Council as to be applicable to temporary officers and servants of that Council who have been discontinued from the service of that Council before the coming into operation of the rules.”.

Amendment of
section 188 of
the principal
enactment.

5. Section 188 of the principal enactment is hereby amended in sub-section (1) of that section by the insertion, immediately after paragraph (e) of that sub-section, of the following new paragraph:—

“(ee) all sums voted by the Council to defray the cost of refreshments served to Councillors, officers and servants of the Council attending any meeting of the Council or any Committee of the Council;”.

Amendment of
section 226 of
the principal
enactment.

6. Section 226 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words “sanctioned by the Minister.”, of the words “sanctioned by the Minister by virtue of power conferred on him in that behalf by any provision of this Ordinance.”.

Insertion of
new section
263A in the
principal
enactment.

7. The following new section is hereby inserted immediately after section 263, and shall have effect as section 263A, of the principal enactment:—

“Sale of
property
vested in the
Council to
the person
who would be
entitled to
such property
but for the
title thereto
vesting in
the Council.

263A. A Municipal Council shall sell and convey any immovable property vested in the Council under section 263 to the person who would be entitled to such property but for the title thereto vesting in the Council, if—

(a) within twelve months reckoned from the date on which such property vested in the Council, such person makes a written application in that behalf to the Council, and

(b) within such period reckoned from the date of the receipt of the application as may be determined by the Council and notified to such person, he pays to the Council a sum equivalent to the price paid by the Council for the purchase of such property and the amounts and costs which, if such property were sold and conveyed by the Council under section 264, would be deducted under sub-section (2) of that section from the surplus referred to in that sub-section.”.

8. Section 264 of the principal enactment is hereby amended as follows:—

Amendment of
section 264 of
the principal
enactment.

(a) in sub-section (1) of that section, by the substitution, for the expression “under the last preceding section.”, of the expression “under section 263 if such land or other property has not already been sold and conveyed by the Council under section 263A.”; and

(b) in sub-section (7) of that section, by the substitution, for the expression “under the last preceding section.”, of the expression “under section 263.”.

9. The following new section is hereby inserted immediately after section 264, and shall have effect as section 264A, of the principal enactment:—

Insertion of
new section
264A in the
principal
enactment.

“Procedure
where the
Council
retains
property
vested in
the Council.

264A. Where a Municipal Council decides to retain any immovable property vested in it under section 263, the value of such property at the time such property became vested in the Council shall be assessed by the Council, and thereupon the provisions of sub-sections (2) to (7), both inclusive, of section 264 shall apply in the case of such property subject to the following modifications:—

(a) sub-section (2) of that section shall have effect as if there were substituted in that sub-section, for all the words from “Any surplus” to “shall,”, the following:—

“Where the value of any land or other immovable property assessed by the Council under section 264A exceeds the price paid by the Council for the land or other immovable property under section 262, the excess (hereafter in this section referred to as the surplus) shall,”;

(b) sub-section (3) of that section shall have effect as if there were substituted in that sub-section, for the words "sale and conveyance:", the words "assessment of the value of the land or other immovable property by the Municipal Council:";

(c) sub-section (5) of that section shall have effect as if—

(i) there were inserted, immediately after paragraph (b) of that sub-section, the following new paragraph:—

"(bb) the amount paid by the Council under section 262 in respect of the land or property,"; and

(ii) there were substituted, in paragraph (c) of that sub-section, for all the words from "improvement, and" to the end of that paragraph, the words "improvement, assessment of the value, and conveyance of the land or property,"; and

(d) sub-section (7) of that section shall have effect as if there were substituted, for the words "sold and conveyed," the words "retained by the Council."

Amendment of
section 272 of
the principal
enactment.

10. Section 272 of the principal enactment is hereby amended in paragraph (8) of that section, as follows:—

(1) by the substitution, for the words "Markets, bakeries", of the words "Markets, fairs, bakeries.";

(2) in sub-paragraph (b) of that paragraph, by the substitution—

(a) for the words “ markets, private ”, of the words “ markets and fairs, private ”; and

(b) for the words “ such markets, and ”, of the words “ such markets, and fairs, and ”; and

(3) by the insertion, immediately after sub-paragraph (g) of that paragraph, of the following new sub-paragraph:—

“ (gg) the fixing of the price (both wholesale and retail) above which any article of food shall not be sold in any market or fair, whether public or private; ”.

11. Where such rules relating to pensions, gratuities, annuities or retiring allowances as are referred to in section 48 (1) and 48 (2) of the Local Government Service Ordinance No. 43 of 1945 sub-section (4) of section 3 of the Local Government Service (Amendment) Ordinance, No. 37 of 1947, are deemed, by virtue of that sub-section, to be applicable to any officer or servant of a Municipal Council, then, if he has, before the principal enactment came into operation, been in the service of that Council as the holder of a post or office that is pensionable under those rules, any period of service rendered by him to that Council as the holder of a non-pensionable office or post whether daily paid or monthly paid prior to his appointment to the pensionable post or office shall, whether or not it is continuous with his service in the pensionable post or office, be taken into account in the computation of the qualifying service for, and the amount of, the pension, gratuity, annuity or retiring allowance to be awarded under those rules.

Service in non-pensionable posts or offices to count for pension in cases of certain officers and servants of Municipal Councils.