



ABOLITION OF FIDEI-COMMISSA AND
ENTAILS (AMENDMENT) LAW.

No. 13 OF 1972

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 12th December, 1972]

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*Abolition of Fideicommissa and Entails
(Amendment) Law, No. 13 of 1972*

L. D.—O. 59/72.

**A LAW TO AMEND THE ABOLITION OF FIDEICOMMISSA
AND ENTAILS ACT, No. 20 OF 1972.**

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Abolition of Fideicommissa and Entails (Amendment) Law, No. 13 of 1972. Short title.

2. Section 10 of the Abolition of Fideicommissa and Entails Act, No. 20 of 1972, hereinafter referred to as the "principal enactment", is hereby repealed and the following section is substituted therefor:— Replacement of section 10 of Act No. 20 of 1972.

Repeal of
Entail and
Settlement
Ordinance
and payment
of moneys
invested in
the Loan
Board and
in Govern-
ment
securities.

10. (1) The Entail and Settlement Ordinance is hereby repealed.

(2) (a) Notwithstanding the provisions of subsection (1), where, on the date of commencement of this Act, any moneys have been invested in the Loan Board in pursuance of the provisions of section 7 of the Entail and Settlement Ordinance, any person who is or becomes entitled to such moneys in consequence of the provisions of this Act or of any transfer executed under section 8 of this Act, may apply to court for an order of payment of such moneys to him.

(b) Subject to the provisions of paragraph (e), where, upon an application made under paragraph (a), a court makes any order for payment of moneys which are invested in the Loan Board, the Loan Board shall pay, in respect of each entail case, the money so ordered to be paid in respect of that case, in the following manner:—

(i) where the total amount invested in the Loan Board in respect of that case does not exceed one hundred thousand rupees, the full amount within one year of the date of the first order of

payment (hereinafter referred to as the "relevant date"), in respect of that entail case,

(ii) where the total amount invested in the Loan Board in respect of that case exceeds one hundred thousand rupees but does not exceed two hundred thousand rupees, the first one hundred thousand rupees within one year of the relevant date and the balance sum within two years of the relevant date,

(iii) where the total amount invested in the Loan Board in respect of that case exceeds two hundred thousand rupees but does not exceed four hundred thousand rupees, the first one hundred thousand rupees within one year of the relevant date, the second one hundred thousand rupees within two years of the relevant date, and the balance sum within three years of the relevant date, and

(iv) where the total amount invested in the Loan Board in respect of that case exceeds four hundred thousand rupees, the first one hundred thousand rupees within one year of the relevant date, the second one hundred thousand rupees within two years of the relevant date, the next sum of two hundred thousand rupees within three years of the relevant date, and the balance sum within four years of the relevant date.

(c) Notwithstanding the provisions of subsection (1), where, on the date of commencement of this Act, any moneys have been invested in Government securities in pursuance of the provisions of section 7 of the Entail and Settlement

Ordinance, any person who is or becomes entitled to such securities in consequence of the provisions of this Act or of any transfer executed under section 8 of this Act, may apply to court for an order of assignment of such securities to him.

(d) Before a court makes an order of payment or an order of assignment under this section, the court shall give public notice of the application made by the applicant in such manner as the court may deem fit and make its order of payment or assignment only after hearing all persons who may appear before such court in response to such notice. The costs of such public notice shall be borne by the applicant.

(e) (i). The court shall not make an order of payment under paragraph (b) until the applicant produces a certificate from the Commissioner of Inland Revenue, hereinafter referred to as the "Commissioner", stating whether or not any sum of money is due or is likely to become due, under any written law, from such applicant to the Commissioner, and if any sum is due or is likely to become due, the amount of such sum.

(ii) Where such certificate states that no sum of money is due to the Commissioner from the applicant, the court may make an order of payment in favour of the applicant in the manner set out in paragraph (b).

(iii) Where such certificate states that any sum is due to the Commissioner from the applicant, the court shall make an order that such sum shall be paid by the Loan Board to the Commissioner and that the balance sum shall be paid to the applicant in the manner set out in paragraph (b).

(iv) Where such certificates states that any sum is likely to be due to the Commissioner from the applicant, the

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court shall make an order that the Loan Board shall deposit in court such sum to the credit of the entail case and pay the balance sum to the applicant in the manner set out in paragraph (b); after the final determination of the sum due to the Commissioner from the applicant is communicated to court, the court shall pay such sum to the Commissioner and pay the balance sum to the applicant in the manner set out in paragraph (b).

(v) A certificate issued by the Commissioner under this paragraph may be produced in court without the Commissioner being called, and such certificate shall be *prima facie* evidence of the truth of the statements contained therein.'

Retrospective
effect of
this Law.

3. The amendment made to section 10 of the principal enactment by section 2 of this Law shall be deemed to have come into operation on the date of commencement of the principal enactment.