

PARLIAMENT OF CEYLON

1st Session 1960-61



Special Areas (Colombo) Development (Amendment) Act, No. 56 of 1961

Date of Assent : June 19, 1961

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*Special Areas (Colombo) Development
(Amendment) Act, No. 56 of 1961*

L. D.—O. 4/53.

AN ACT TO AMEND THE SPECIAL AREAS (COLOMBO)
DEVELOPMENT ORDINANCE, No. 40 OF 1947.

[Date of Assent: 19th June, 1961]

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 Special Areas (Colombo) Development (Amendment) Act, No. 56 of 1961.

Short title.

2. Section 6 of the Special Areas (Colombo) Development Ordinance, No. 40 of 1947 (hereinafter referred to as the "principal enactment") is hereby amended, in sub-section (2) of that section; by the substitution, for all the words, figures and letters from "shall be payable" to the end of that sub-section, of the following:—

Amendment of
section 6 of
Ordinance
No. 40 of 1947.

"shall be payable by the Board to the person who for the time being would be entitled to occupy such land but for the fact that possession thereof is so retained and the rent so payable shall be a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of such land during that period under a lease granted immediately before the beginning of that period whereby the tenant undertakes to pay all usual rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain such land in a state to command that rent."

3. The following new section is hereby inserted immediately after section 6, and shall have effect as section 6A, of the principal enactment:—

Insertion of
new section 6A
in the
principal
enactment.

"Payment of
compensation
under the
Defence
(Compensation)
Regulations,
1941, in
respect of
lands in
special areas.

6A. Any compensation payable by the Crown to any person under paragraph (b) of regulation 2 (1) of the Defence (Compensation) Regulations, 1941, in respect of any land referred to in section 3 (1) (a) may, if such compensation has not been already paid by the Crown to such person, be paid to such person by

the Board for and on behalf of the Crown. The payment of such compensation to such person by the Board under the preceding provisions of this section shall operate as a satisfaction in full of such person's claim to such compensation from the Crown. ”.

Insertion of
new section
43A in the
principal
enactment.

4. The following new section is hereby inserted immediately after section 43, and shall have effect as section 43A, of the principal enactment:—

“ Rules
relating to
Provident
Fund and
grant of
gratuities.

43A. (1) The Board may make rules for or in respect of the following matters:—

- (a) the establishment, regulation, administration and management of a Provident Fund for the grant of benefits to officers and servants (other than daily-paid servants) of the Board, the circumstances in which, and the conditions and restrictions subject to which, such officers and servants will be eligible for such grants, fixing the contributions to be made thereto by the Board and such officers and servants and the payments to be made therefrom to such officers and servants or their nominees, authorising the contributions of such officers and servants to be deducted from their salaries, prescribing the procedure for making such deductions, authorising the payment of all such contributions into the Fund and authorising the investment of moneys paid into the Fund and all matters incidental to or connected with the Fund, for which no express provision is made; and

(b) the establishment, regulation, administration and management of a Scheme for the grant of gratuities to daily-paid servants of the Board or their widows and children, the circumstances in which, and the conditions and restrictions subject to which, such servants or widows and children will be eligible for such grants, the payments to be made thereunder to such servants or widows and children, and all matters incidental to or connected with such Scheme.

(2) No rule made by the Board under sub-section (1) shall come into force until it is approved by the Minister with the concurrence of the Minister of Finance."

5. Section 44 of the principal enactment is hereby amended as follows:—

Amendment of
section 44 of
the principal
enactment.

(a) in paragraph (d) of sub-section (2) of that section, by the substitution, for the words "regulation made", of the words "regulation or rule made"; and

(b) in paragraph (d) of sub-section (3) of that section, by the substitution, for the words "regulation made", of the words "regulation or rule made".

6. Section 57 of the principal enactment is hereby amended in sub-section (2) of that section, as follows:—

Amendment of
section 57 of
the principal
enactment.

(i) in paragraph (a) of that sub-section, by the substitution, for the words "the Council shall be the successor", of the words "the Council or, where the Council has been dissolved under section 277 of the Municipal Councils Ordinance, No. 29 of 1947, and a Special Commissioner or Special Commissioners is or are appointed under that section, such Special Commissioner or Special Commissioners shall be the successor or successors";

- (ii) in paragraph (b) of that sub-section, by the substitution, for the words "the Council; ", of the words "the Council or Special Commissioner or Special Commissioners; ";
- (iii) in paragraph (c) of that sub-section, by the substitution, for the words "the Council; ", of the words "the Council or Special Commissioner or Special Commissioners; ";
- (iv) in paragraph (d) of that sub-section, by the substitution, for the words "fund of the Council; ", of the words "Municipal Fund; ";
- (v) in paragraph (e) of that sub-section, by the substitution, for the words "the Council; ", of the words "the Council or Special Commissioner or Special Commissioners; "; and
- (vi) in paragraph (f) of that sub-section, by the substitution, for the words "the Council.", of the words "the Council or Special Commissioner or Special Commissioners."

Amendment of
section 58 of
the principal
enactment.

7. Section 58 of the principal enactment is hereby amended by the addition, immediately after sub-section (2) of that section, of the following new sub-section:—

"(3) Where a person who is not authorised by the Board to do so executes or causes to be executed any work or does or causes to be done any act in or upon any land in any special area or in or upon any structure on any such land or occupies or uses or causes to be occupied or used any such land or structure at any time during the period commencing on the date on which such land is vested in the Board under this Ordinance and ending on the date on which a development scheme comes into operation for such area, he shall be guilty of an offence."

Amendment of
section 62 of
the principal
enactment.

8. Section 62 of the principal enactment is hereby amended as follows:—

- (1) in sub-section (1) of that section, by the substitution, for the expression "applying to

that land the Magistrate", of the following:—

" applying to that land or in contravention of the provisions of sub-section (3) of section 58, the Magistrate "; and

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

" (1A) Where any person is convicted under sub-section (3) of section 58 of the offence of occupying or using any land or structure in any special area without being authorised by the Board to do so, the Magistrate by whom such person is convicted may, on the application of the Board, issue a writ to the Fiscal requiring him before a date specified in the writ to eject such person from such land or structure and deliver possession thereof to the Board. Such writ shall be sufficient authority for the Fiscal or any police officer authorised by him in that behalf to enter such land or structure with such assistants as the Fiscal or such police officer deems necessary and to execute such writ."

9. Section 64 of the principal enactment is hereby amended as follows:—

Amendment of
section 64 of
the principal
enactment.

- (1) by the renumbering of that section as sub-section (1) of section 64; and

- (2) by the addition, at the end of that section, of the following sub-section:—

" (2) A land requisitioned for the purpose of fire-gaps under emergency powers shall, although no demolition operations may have been carried out thereon under such powers, be deemed, for the purposes of this Ordinance, to be a land on which demolition operations have been carried out under such powers."

10. The amendments made in the principal enactment by section 2, section 3, section 4 and section 9 of this Act shall be deemed to have come into force on the date on which that enactment came into operation.

Certain
amendments to
the principal
enactment to
have retros-
pective effect.