

PARLIAMENT OF CEYLON

1st Session 1960-61



Village Councils (Amendment) Act, No. 60 of 1961

Date of Assent: June 19, 1961

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1

Price: Re. 1.25

Postage: 35 cents.

*Village Councils (Amendment) Act,
No. 60 of 1961*

L. D.—O. 68/58.

AN ACT TO AMEND THE VILLAGE COMMUNITIES ORDINANCE AND TO MAKE CERTAIN AMENDMENTS AFFECTING VILLAGE AREAS IN CERTAIN OTHER WRITTEN LAW.

Chapter 196
1941 Supplement
Volume I,
page 122.

[Date of Assent: June 19, 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 Village Councils (Amendment) Act, No. 60 of 1961, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) In the Village Communities Ordinance (hereinafter referred to as the "principal enactment") and in any other written law, there shall be substituted,—

" Village
Communities
Ordinance "
and " Village
Committee "
to be known
respectively
as " Village
Councils
Ordinance "
and " Village
Council ".

(a) for the words " Village Communities Ordinance ", the words " Village Councils Ordinance ";

(b) for the words " Village Committee ", the words " Village Council "; and

(c) for the word " Committee " (denoting " Village Committee "), the word " Council ".

(2) Every reference to the Village Communities Ordinance and a Village Committee in any notice, notification, instrument or other document shall be read and construed as a reference respectively to the Village Councils Ordinance and a Village Council.

3. Section 11 of the principal enactment is hereby amended as follows:—

Amendment of
section 11 of
the principal
enactment.

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

(a) by the substitution, for the words " every village headman's division in a village area shall be deemed to be a ward ", of the words " every village headman's division in a village area, or, if only a part of any village headman's division is in that area, that part, shall be deemed to be a ward "; and

(b) by the substitution, for the second proviso thereto, of the following new proviso:—

“ Provided, however, that the Minister may, by notification published in the *Gazette*,—

(a) sub-divide—

- (i) an existing ward, or
- (ii) the combined area of two or more existing wards, or
- (iii) the combined area of parts of two or more existing wards, or
- (iv) the combined area of an existing ward and a part of another existing ward,

into two or more new wards with such limits as shall be specified in the notification; or

(b) amalgamate—

- (i) two or more existing wards, or
- (ii) parts of two or more existing wards, or
- (iii) an existing ward and a part of another existing ward,

into a new ward with such limits as shall be specified in the notification.”; and

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

“ (1A). The limits of any such part of a village headman's division as is deemed under sub-section (1) to be a ward of a village area shall be specified by the Minister by notification published in the *Gazette*.”.

Insertion of
new section
11A in the
principal
enactment.

4. The following new section is hereby inserted immediately after section 11, and shall have effect as section 11A, of the principal enactment:—

“ Effect of
alteration or
abolition of
wards or
creation of
new wards.

11A. (1) Where in consequence of an order under section 6 or a notification under section 11 the limits of any ward of a village area are altered, the member elected for that ward shall, upon the coming into force of the order or notification, vacate his office, and a by-election in accordance with the provisions of written law for the time

being applicable in that behalf shall be held in that ward for the purpose of filling up such vacancy :

Provided, however, that the preceding provisions of this sub-section shall not apply in any case where the Minister declares by such order or notification or any subsequent order or notification that the alteration made in the limits of the ward is such that a by-election is unnecessary.

(2) Where in consequence of an order under section 6 or a notification under section 11 a new ward of a village area is created, an election in accordance with the provisions of written law for the time being applicable to a by-election shall be held in the ward so created.

(3) Where in consequence of an order under section 6 or a notification under section 11 any ward of a village area is abolished, the member elected for that ward shall, upon the coming into force of the order or notification, vacate his office.

(4) Every member elected at a by-election referred to in sub-section (1) or an election referred to in sub-section (2) shall, unless he earlier vacates his office, hold office until the expiry of the current term of office of the members elected for the other wards of the village area at the last general election. ”.

5. Section 19 of the principal enactment is hereby repealed and the following new section substituted therefor:—

“ Vacation
of office.

19. (1) If the Assistant Commissioner is satisfied that any member of a Village Council has after his election

Replacement of
section 19 of
the principal
enactment.

been absent, without notice to the Council, from more than three consecutive meetings of the Council, the Assistant Commissioner shall, subject to the provisions of sub-section (2), by notice published in the *Gazette* declare that such member has vacated office, and thereupon such member shall vacate office as from the date on which such declaration is published in the *Gazette*.

(2) The Assistant Commissioner shall not declare under sub-section (1) that any member of a Village Council has vacated office except after notice to the Chairman of that Council and to such member and after such inquiry as the Assistant Commissioner may deem necessary. Every such notice shall be sent by registered post.

(3) Where a member of a Village Council has, without notice to the Council, absented himself from three consecutive meetings of the Council, the Chairman of the Council shall, within seven days after the date of the third of such meetings, inform the Assistant Commissioner in writing of such absence.

(4) Where the absence of any member of a Village Council without notice to the Council from three consecutive meetings of the Council is alleged to the Assistant Commissioner by any person other than the Chairman of that Council, the Assistant Commissioner may, before inquiring into the correctness or otherwise of the allegation, require such person to deposit in the Kachcheri such sum not exceeding twenty-five rupees as the Assistant Commissioner may require.

(5) The sum deposited under sub-section (4) shall, in the discretion of the Assistant Commissioner, be forfeited and credited to the communal fund of the Village Council regarding whose member the allegation referred to in sub-section (4) was made, if—

- (a) the Assistant Commissioner finds that such allegation is false and the person who made such allegation has done so with a frivolous, vexatious or malicious intent, or
- (b) such person subsequently withdraws such allegation, or
- (c) such person fails to attend any inquiry held by the Assistant Commissioner into such allegation or refuses to give evidence at such inquiry.

(6) Any sum deposited under sub-section (4) shall, unless it is forfeited under sub-section (5), be returned to the person by whom it was deposited after the conclusion of the inquiry held by the Assistant Commissioner.

(7) Any person who alleges to the Assistant Commissioner that a member of a Village Council has without notice to the Council absented himself from three consecutive meetings of the Council, knowing or having reason to believe that such allegation is false, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

(8) The Chairman of a Village Council who refuses or wilfully neglects to comply with the provisions of sub-section (3) shall be guilty of an offence

and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment. ”.

Amendment of
section 25 of
the principal
enactment.

6. Section 25 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for all the words from “ the first meeting ” to the end of that sub-section, of the following:—

“ the first meeting thereof by notice. Such notice shall, at least five days before the date fixed for the meeting,—

(a) be published in the *Gazette* and in one or more Sinhala newspapers circulating in Ceylon, if the language in which proceedings are conducted in that Council is Sinhala, or in one or more newspapers in Sinhala and Tamil circulating in Ceylon if the language in which proceedings are conducted in that Council is Tamil, and

(b) be despatched by registered post to each elected member of that Council. ”.

Amendment of
section 30 of
the principal
enactment.

7. Section 30 of the principal enactment is hereby amended, in sub-section (5) of that section, by the substitution, for the words “ twenty rupees ”, of the words “ fifty rupees ”.

Insertion of
new sections
30B and 30C
in the
principal
enactment.

8. The following new sections are hereby inserted immediately after section 30A, and shall have effect as sections 30B and 30C, of the principal enactment as amended by Act No. 28 of 1957:—

“ Power of
Assistant
Commissioner
under certain
circumstances to
exercise the
powers, and
perform the
duties, of
Chairman.

30B. During the period commencing on the date of occurrence of a vacancy in the office of Chairman of a Village Council and ending on the date of election of a new Chairman, or during the period of absence of both the Chairman and the Vice-Chairman of a Village

Council on account of illness or other unavoidable cause, the Assistant Commissioner shall be entitled to exercise the same powers, and perform the same duties, as a Chairman duly elected by that Council.

Removal of
Chairman from
office by
resolution of
the Village
Council.

30c. (1) The Assistant Commissioner shall, whenever requested in writing by not less than one-half of the total number of members of a Village Council to convene a special meeting of the Council for the purpose of considering a resolution for the removal from office of the Chairman of the Council, forthwith convene a special meeting of the Council for such purpose.

(2) Where, at any special meeting of a Village Council convened under sub-section (1), a resolution for the removal of the Chairman of that Council from the office of Chairman is passed by not less than two-thirds of the total number of members of that Council, he shall be deemed to vacate such office on the date on which such resolution is so passed; and the members of the Council present at such meeting shall forthwith proceed to the election of, and shall elect, one of their own number to be the Chairman of the Council, but no such election shall be held unless there is present the quorum mentioned in section 26.

(3) Where the Chairman is not elected at the meeting referred to in sub-section (2) or the election of the Chairman is not held at that meeting by reason of the want of a quorum, the Assistant Commissioner shall, by notice in accordance with the requirements of sub-section (8), forthwith convene a special meeting of the Village Council for the purpose of electing the Chairman. The election of the Chairman shall not be held at that special meeting unless there is present the quorum mentioned in section 26. Where the Chairman is not elected at

that special meeting or the election of the Chairman is not held at that special meeting by reason of the want of a quorum, section 29 shall apply as if that section included a reference to the failure to elect the Chairman in accordance with the provisions of this sub-section.

(4) Where, at any special meeting of a Village Council convened under sub-section (1), a resolution for the removal of the Chairman of that Council from the office of Chairman is negatived or is passed by less than two-thirds of the total number of members of that Council, no other meeting of that Council for the purpose of considering a resolution for the removal from office of the same Chairman shall be convened by the Assistant Commissioner within six months after the date on which the first-mentioned resolution was negatived or passed, anything in sub-section (1) to the contrary notwithstanding.

(5) The Assistant Commissioner shall preside at every special meeting convened by him under this section, but shall not be entitled to vote on any question coming up for decision thereat.

(6) The Assistant Commissioner shall, on the termination of every special meeting convened by him under this section, cause the minutes of such meeting to be entered in the book kept for that purpose under section 38, and shall sign such minutes. A copy of such minutes shall be forthwith sent by the Village Council to the Commissioner of Local Government.

(7) Where for any reason other than the want of a quorum a special meeting convened by the Assistant Commissioner under this section is not held on the date appointed by him, he may by further notices in accordance with the requirements of sub-section (8) appoint, as often as may be necessary, any other date for such meeting.

(8) Every special meeting of a Village Council under this section shall be convened by the Assistant Commissioner by notice in writing addressed to and served upon each member of the Council not less than two days before the date of the meeting. Where service of any such notice cannot for any reason be effected personally on any member, the notice shall be deemed to be duly served if it is sent by post to, or left at the last known place of abode of, that member, and every such notice which is sent by post shall be deemed to be served at the time at which it would be received in the ordinary course of post. Every notice shall specify the date, time and place of the meeting.

(9) Where the number constituting such proportion of the total number of members of a Village Council as is mentioned in sub-section (1) or sub-section (2) is an integer and a fraction, then, for the purposes of this section, the next higher integer shall be deemed to be the number constituting that proportion."

9. Section 39 of the principal enactment is hereby amended by the substitution, for the words "at the commencement of this Ordinance", of the words and figures "on December 31, 1938,".

Amendment of
section 39 of
the principal
enactment.

10. Section 43 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of
section 43 of
the principal
enactment.

" General
powers.

43. For the purpose of the discharge of its duties under this Ordinance, a Village Council (without prejudice to any other powers specially conferred upon it) shall, subject to the other provisions of this Ordinance and to any rules made thereunder, have the following powers:—

(a) to create all such posts or offices as it may deem necessary;

(b) (i) to assign to any post or office in the service of the Council, other than a scheduled post within the meaning of the

Local Government Service Ordinance, such salary, allowances or remuneration as the Council may think fit;

(ii) to make, with the prior approval of the Assistant Commissioner, advances of salary to officers and servants of the Council for such purposes and subject to such terms and conditions as may be prescribed by rules which the Minister is hereby authorised to make under section 59;

(c) to remove any officer or servant of the Council, other than a member of the Local Government Service;

(d) to abolish any post or office in the service of the Council which is not a scheduled post within the meaning of the Local Government Service Ordinance;

(e) (i) to grant pensions to officers and servants of the Council who are not members of the Local Government Service on their retirement from service;

(ii) to establish and regulate a provident fund for the benefit of the officers and servants of the Council who are not members of the Local Government Service and who will not receive a pension from the Council under sub-paragraph (i), and to make contributions to such fund from the communal fund;

- (f) to grant leave of absence to officers and servants of the Council who are not members of the Local Government Service;
- (g) to spend any part of the communal fund in the payment of subsistence and travelling allowances to officers and servants of the Council by way of reimbursement of expenses incurred in the performance of any duty;
- (h) to enter into any arrangement with any other Village Council or other local authority for the joint execution of any work or for the employment and remuneration of any officer or servant, not being a member of the Local Government Service, for the several purposes of each Council or local authority;
- (i) to spend any part of the communal fund on maternity and child-welfare services, the training of midwives for the purposes of any maternity service established by the Council, housing schemes, such charities or such measures for the relief of distress caused by rain, floods, fire, earthquake, famine or epidemics, or such other purpose as may be approved by the Minister;
- (j) to purchase or take on lease any land or building;
- (k) to sell, exchange or let or give out on lease, any land or building which is deemed to be vested in the Council by virtue of section 39; or which has been purchased

or otherwise acquired by the Council; or in the case of any land or building vested in the Council by a vesting order under section 40, to let or give out on lease such land or building to any person subject to the conditions of the vesting order, or to surrender such land or building to the Crown;

(l) to receive and hold property in trust for the inhabitants of the village area, or any section of such inhabitants, or for the purposes of any public service administered by the Council, and to otherwise act as trustee for any public purpose;

(m) to enter into any contract with any person for any work to be done, service to be rendered, or goods or materials to be supplied;

(n) to spend any part of the communal fund for the construction or alteration, improvement or maintenance of village works, and for the purpose of administering any property vested in or acquired by or otherwise transferred to the Council, or of carrying out the provisions of this Ordinance or any by-law made or deemed by virtue of any written law to have been made thereunder;

(o) to establish ferries, to impose and to levy or to lease the right to collect tolls at any ferry established or maintained by the Council, and for the protection

of such ferry, to prohibit or restrict private ferries by by-laws made in that behalf;

(p) in the case of a ferry established or maintained between any place within the village area and any place within any other village area or within the administrative limits of any other local authority, to distribute the tolls that may be imposed or levied in respect of any such ferry, in such manner or proportion as may be fixed by agreement entered into with the Council of the other village area or with such local authority, as the case may be, and to spend any part of the communal fund for any work of construction or maintenance to be carried out beyond the limits of the village area in connection with any such ferry;

(q) to spend any part of the communal fund in the conduct of experiments in agriculture and the breeding of domestic animals, and in the maintenance of experimental farms and studs for that purpose;

(r) to make by its officers authorised in that behalf and the servants or workmen accompanying them all such entries into lands and buildings and inspections thereon as may be necessary for the detection and abatement of nuisances, the detection, prevention and abatement of all contraventions of this Ordinance or of by-laws or rules made

thereunder, or for the performance of acts required to be done under this Ordinance in respect of which the owner or occupier is, or may be deemed to be, in default;

(s) by its Chairman or other officer authorised by him, to hold all inquiries which the Chairman may deem necessary for any of the purposes of this Ordinance, and for the purpose of all such inquiries, to administer oaths and summon witnesses;

(t) to set apart such contributions from the communal fund as the Minister may approve towards the cost of any association of local authorities for the consideration of matters relating to local administration;

(u) to spend any part of the communal fund in the payment of travelling allowances to members of the Council for attendance at meetings of the Council, or to members or officers of the Council attending, with the approval of the Council, any meeting or conference of members or officers of Village Councils for the consideration of matters relating to local administration;

(v) to apply any part of the communal fund to the payment of such expenses not exceeding in the aggregate one thousand rupees in any year as may be incurred

by the Council, and such other expenses as may be incurred by the Council with the prior sanction in writing of the Minister, in connection with civic receptions or the celebration or observance of any events or occasions of public interest, or any religious, charitable, cultural, health, recreational or educational purposes;

(w) to make from the communal fund such contributions not exceeding in the aggregate five hundred rupees in any year as may be voted by the Council, and such other contributions as may be voted by the Council with the prior sanction in writing of the Minister, towards the cost of public entertainments or recreations, or towards the support of any libraries, or any educational, scientific, charitable or benevolent institutions, or any religious, charitable, cultural, health or educational purposes;

(x) to institute or defend any legal proceedings which the Council may deem necessary to institute or defend for the purpose of enforcing or protecting the rights of the Council or of the public or of protecting its members or officers in the execution or intended execution of their duties;

(y) to enforce by-laws made or deemed by virtue of any written law to have been made by it under this Ordinance and to enter prosecutions in the Rural Court for breaches of such by-laws;

- (z) generally to do all things necessary for the effective exercise of the powers and duties of the Council.”.

Insertion of new sections 44, 44A and 44B in the principal enactment.

11. The following new sections are hereby inserted immediately after section 43, and shall have effect as sections 44, 44A and 44B, of the principal enactment:—

“ Power to
authorise
surveys.

44. (1) Whenever it appears to the Chairman of any Village Council that an examination or a survey of any private land, building, or premises is necessary for any public purpose in the village area for which the Council is constituted, it shall be lawful for the Chairman to direct any officer or servant of the Council to make such examination or survey, and it shall thereupon be lawful for such officer or servant and his workmen to enter such land, building or premises, and to do thereon any of the following acts:—

- (a) to make a survey and to take levels;
- (b) to dig or bore into the sub-soil;
- (c) to do other acts to ascertain whether the land, building, or premises is or are adaptable to such public purpose;
- (d) to set out the boundaries of any land which is to be acquired, or street lines, or the lines of any work proposed to be carried out;
- (e) to mark such levels, boundaries, or lines, by placing permanent marks on existing buildings, trees, posts, walls, fences, or other fixed objects, or by fixing new marks, or by cutting trenches as the case may require;
- (f) and where otherwise a survey cannot be completed or levels taken, or the boundaries and the lines marked, to cut down

and clear away any obstructions interfering with the execution of such work.

(2) Where any damage is caused to any land or to anything thereon by the performance of any of the acts referred to in sub-section (1), full compensation shall be paid by the Village Council to the owner or other person entitled thereto.

(3) No person shall enter any building or any enclosure attached to a dwelling-house for the purposes of sub-section (1) except with the written consent of the occupant thereof, or if such consent is withheld, with the written sanction of the Chairman of the Village Council.

(4) Every mark fixed on any land under this section shall be deemed to be the property of the Village Council.

Seizure of
certain
animals on
roads or
paths.

44A. (1) It shall be lawful for any person thereto authorised by the Chairman of a Village Council to seize any ox, buffalo, horse, sheep, goat or pig, which he may find tied, tethered or straying on or about any road or path within the administrative limits of the Council, unless such animal is tied or tethered to a cart which is being loaded or unloaded, and to place every animal so seized in the pound established by the Council for the purpose.

(2) No animal seized under sub-section (1) shall be delivered to the owner thereof except upon payment to the Chairman of the Village Council of the sum of one rupee, or such other sum as the Minister may by notification published in the *Gazette* fix from time to time, which the Chairman shall cause to be remitted to the person by whom the animal may have been seized, and of a further sum of thirty cents for each day during which the animal may have been kept in the pound.

(3) If no person claims any animal placed in the pound or pays the dues required by sub-section (2) within ten

days after the seizure of the animal, it shall be lawful for the Village Council to sell it by public auction, and after payment of two rupees, or such other sum as the Minister may by notification published in the *Gazette* fix from time to time, to the person by whom the animal was seized and a sum calculated at the rate of seventy-five cents a day for the custody and maintenance of the animal in the pound, to pay any balance of the proceeds of such sale, if such balance is not claimed and the payment thereof is not obtained by any person entitled thereto within a period of one year from the date of such sale, to the communal fund.

(4) The provisions of this section shall have effect in every village area notwithstanding anything contained in the Cattle Trespass Ordinance.

Cap. 331.

Interference
with persons
authorised to
seize certain
animals on
roads and
paths.

44B. Any person who removes any animal from the lawful custody of any person authorised to seize it under section 44A, or who in any way molests or obstructs such person in the exercise or discharge of his powers or duties, shall be guilty of an offence punishable by the Rural Court having jurisdiction over the area in which the offence was committed."

Amendment of
section 45 of
the principal
enactment.

12. Section 45 of the principal enactment is hereby amended, in sub-section (3) thereof, as follows:—

(1) in paragraph (a) of that sub-section, by the substitution, for the word "six", of the word "nine";

(2) in paragraph (b) of that sub-section—

(i) by the substitution, for the words "fifty cents", of the words "two rupees", and

(ii) by the substitution, for the words "outside a built-up locality and", of the words "within the village area and which"; and

- (3) by the insertion, immediately after the second proviso in that sub-section, of the following new proviso :—

“ And provided further that the Village Council shall not impose an acreage tax exceeding fifty cents a year on each acre of any divided portion of land, duly defined and forming one property, which is less than five acres in extent and is situated in any area declared by the Minister by Order published in the *Gazette* to be a special area for the purposes of the imposition and levy of that tax: ”.

13. The following new section is hereby inserted immediately after section 45, and shall have effect as section 45A, of the principal enactment:—

Insertion of
new section
45A in the
principal
enactment.

“ Remission of
part of
assessment
tax in respect
of period of
non-occupancy
of a building.

45A. (1) Where any building, other than a building containing furniture, is or remains unoccupied for any period, a Village Council may allow for that period a proportionate remission of the amount due on that building in respect of the assessment tax.

(2) Where any building containing furniture is registered with a Village Council as a building intended to be let furnished, or as a building not intended to be permanently occupied, and the building remains unoccupied for any period, the Council may allow for that period a proportionate remission of one half of the amount due on that building in respect of the assessment tax.

(3) The period for which a remission may be allowed under sub-section (1) or sub-section (2) in respect of any building shall—

- (i) commence on the date on which written notice is received by the Council to the effect that the building is unoccupied ;
and

- (ii) end on the date on which the building is re-occupied :

Provided, however, that where written notice of the date of the re-occupation of any building is not given to the Council within three days of the re-occupation, then—

- (a) if the period for which such remission is claimed exceeds one month, no such remission in respect of one month in that period shall be allowed, and

- (b) if that period does not exceed one month, no such remission in respect of the entirety of that period shall be allowed.

(4) Every person who gives notice under sub-section (3) that any building is unoccupied, shall specify in the notice the address to which any communication may be sent to him by the Council for the purposes of this section.

(5) Where any question arises as to the period during which any building is or remains unoccupied, the decision of the Council thereon shall be final; notice of such decision shall be sent by post to the address specified in the notice relating to that building."

Amendment of
section 47 of
the principal
enactment.

14. Section 47 of the principal enactment is hereby amended as follows:—

- (a) in sub-section (1) of that section by the substitution, in paragraph (d) of the proviso in that sub-section, for all the words and figures from "sections" to the end of that paragraph, of the words and figures "the Motor Traffic Act, No. 14 of 1951." ;

- (b) in sub-section (5) of that section—

- (1) by the substitution, for the words and figures "or section 128 of the Municipal Councils Ordinance," of the words and figures "or section 175 of the Town Councils Ordinance, No. 3 of 1946, or section 245 of the Municipal Councils Ordinance, No. 29 of 1947" ;

(2) in paragraph (a) of that sub-section—

(a) by the substitution, for the words
“ an Urban Council or ”, of
the words “ an Urban Council,
a Town Council or ”; and

(b) by the substitution, for the words
“ such Urban Council or ”, of
the words “ such Urban Coun-
cil, Town Council or ”; and

(3) in paragraph (b) of that sub-section by
the substitution, for all the words
from “ an Urban Council ” to
“ limits ”, of the words “ an Urban
Council, a Town Council or a Municipi-
pal Council, to the Village Council,
Urban Council, Town Council or
Municipal Council within whose
administrative limits ”.

15. Section 47A of the principal enactment is
hereby repealed and the following new section
substituted therefor:—

Replacement of
section 47A of
the principal
enactment.

“ Public Utility Services. ”

Power of
Village Council
to establish
and maintain
public utility
services.

47A. A Village Council may, for the
purpose of the village area or any part
thereof, either independently or in con-
junction with any other local authority,
and either directly (with or without the
assistance of Government) or through
any promoter or body of promoters,
establish and maintain for the benefit of
the persons inhabiting or resorting to
such area or part any of the following
public utility services:—

- (a) water supply;
- (b) the lighting of streets, public
places, and public buildings;
- (c) the supply of electric light or
power;
- (d) markets;
- (e) public baths and bathing places;
- (f) the manufacture and supply at
cost price of squatting plates
for latrines;

- (g) the provision of housing accommodation for the poorer classes;
- (h) any other form of public service which the Council may be specially authorised by the Minister to establish and maintain;
- (i) any other form of public service which the Council is authorised by any other written law to establish and maintain."

Insertion of
new sections
47B to 47P in
the principal
enactment.

16. The following new sections are hereby inserted immediately after section 47A, and shall have effect as sections 47B, 47C, 47D, 47E, 47F, 47G, 47H, 47J, 47K, 47L, 47M, 47N, and 47P, of the principal enactment:—

" Manner of
defraying
expenses of
public utility
services.

47B. For the purpose of the establishment and maintenance of any public utility service which a Village Council is authorised by or under section 47A to establish and maintain, the Council may—

- (a) provide for any expenses involved out of the revenue of the Council; or
- (b) levy a special rate upon the area benefited by such service, subject to such limits and exemptions as may be prescribed by by-laws; or
- (c) contract with the owners or occupiers of premises for the supply of the service, and charge and enforce such rates in respect of such service as may be prescribed by by-laws; or
- (d) charge such fees as it may deem reasonable from persons deriving benefit from such service; or
- (e) where any such public service is established and maintained through any promoter or body of promoters, in pursuance of any agreement made with the Council or under any licence issued by the Council, authorise

such promoter or promoters to charge such fees as may be approved by the Council from persons deriving benefit from such service.

Maximum of special rate for water or conservancy service.

47C. A special rate levied by a Village Council upon the area benefited by a water service or conservancy service established and maintained by the Council shall not exceed six per centum of the annual value of all buildings and lands situated within such area.

Liability for special rates in respect of Crown property.

47D. (1) Where any land or building, which is situated within any village area and is the property of the Crown, is occupied or held by any person under any lease or permit granted by the Crown, such land or building shall be liable to be assessed in respect of any special rate imposed under section 47B, and such person shall be liable to pay and shall pay the special rate leviable in respect of that land or building.

(2) No property of the Crown, whether movable or immovable, shall be liable to be seized or sold for the recovery of any special rate which may be due from any person occupying or holding that property under any agreement, contract or permit, whether expressed or implied, with or from the Crown.

Assessment and recovery of special rates.

47E. Every special rate under section 47B shall be assessed and levied and, in case of default shall be recovered summarily, in such manner as may be prescribed by rules made under section 59:

Provided, however, that for the purposes of the recovery of any such rate in case of default, nothing specified in the proviso in section 45 (6) shall be liable to such seizure or sale as may be prescribed by any such rule.

Exemption from special rate by resolution.

47F. A Village Council may by resolution specially exempt any property from any special rate imposed under section 47B on the ground of the poverty of the owner.

Supply to
premises in
adjacent
areas.

47G. A Village Council may, with the approval of the Minister and subject to the consent of the local authority of any area adjacent to the village area, contract with the owners or occupiers of any premises situated in any such adjacent area for the supply of any public utility service to such premises, and may charge and enforce rates in respect of such supply.

General
powers of
Councils.

47H. For the purposes of the establishment and maintenance of any public utility service which it is authorised to establish and maintain by or under this Ordinance, any Village Council may enter into any contract and may, subject to the provisions of this Ordinance, purchase, take upon lease, hire, construct, maintain all premises, machinery, and apparatus required for such purposes and do and execute all such works, matters, and things as may be necessary in that behalf.

Ratepayer
entitled to
free water
supply from
public stand-
pipes for
domestic
purposes.

47J. Where the Village Council establishes and maintains a public water supply for the benefit of the inhabitants of the village area or any part thereof, the owner or occupier of any premises in such area or part, as the case may be, in respect of which the Council levies a special water rate, shall be entitled to have free of further charge a supply of water from the public stand-pipes for the domestic purposes of himself and his household or of his tenants or other persons occupying the premises.

Meaning of
" domestic
purposes ".

47K. A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Contract
for private
service.

47L. A Village Council may supply water for other than domestic purposes or allow a private service of water to any premises for domestic purposes in such quantities and upon such terms and conditions as may be agreed upon between the Council and the persons desirous of being so supplied, or as may be prescribed by by-laws in that behalf.

Power of
Village
Council as
to village
fairs.

47M. It shall be lawful for a Village Council to establish and maintain within the village area all such village fairs as are required for the service of the inhabitants, and to provide for the proper regulation, supervision and control of such fairs.

Provisions
applicable
where a
licence is
required for
a private
fair.

47N. The following provisions shall apply in the case of every village area where the establishment or maintenance of a private fair except under the authority of a licence is prohibited under any by-laws made in that behalf by the Village Council of that area:—

(1) Every licence, for a private fair granted on or after such date as the Minister may appoint by Order published in the *Gazette*, shall be upon the condition that should the Council at any time decide that it is in the public interest to establish a village fair in place of such private fair, the authority empowered in that behalf may refuse to renew the licence of such private fair, and that the owner of such private fair shall not be entitled to any compensation in respect of such refusal.

(2) The authority empowered in that behalf may, on or after the date appointed under paragraph (1) of this section, refuse to issue or renew a licence for a private fair, if he is satisfied that the wants of the area are sufficiently

provided for by the village and private fairs already in existence or in contemplation.

Compensation
for discon-
tinuance of
private fair.

47P. (1) Where a Village Council is satisfied that it is in the public interest that any private fair should be either—

(a) discontinued, or

(b) taken over by the Council and maintained as a village fair,

the Council may either direct the discontinuance of such fair, or may take it over and maintain it as a village fair, subject in either case to the payment of compensation in accordance with the provisions of this section.

(2) Where any private fair is directed by a Village Council to be discontinued, the compensation payable, unless otherwise settled by agreement, shall be the difference between the value of the premises if used as a fair under this Ordinance and the value of the same premises if used, not as a fair, but for any other purposes to which similar premises in the same locality are or might be put to the best advantage, together with an allowance in respect of the cost of adapting for any such purpose the buildings used for the fair.

(3) Where any private fair is taken over by a Village Council to be maintained as a village fair, the compensation payable shall be the value of the premises when used as a fair under this Ordinance.

(4) In estimating the value of the premises used as a fair under this Ordinance, regard shall be had to the depreciation likely to occur in the value of such premises in the event of a village fair or a new private fair being established in the same neighbourhood."

17. Section 49 of the principal enactment is hereby amended as follows:—

Amendment of
section 49 of
the principal
enactment.

(1) by the substitution, for sub-section (1) of that section, of the following new sub-section:—

“(1) Every Village Council shall have power to make from time to time such by-laws, not inconsistent with the provisions of this Ordinance, as may be authorised or required by this Ordinance, or may appear to the Council to be necessary for the purposes of the exercise of its powers and the discharge of its duties under this Ordinance, and to amend, vary or rescind any by-law so made.”;

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

(a) in paragraph (ii) of that sub-section—

(i) by the substitution, for sub-paragraphs (a) and (b) of that paragraph, of the following new sub-paragraphs:—

“(a) the creation of posts or offices ;

(b) appointments to posts or offices in the service of the Council, not being scheduled posts within the meaning of the Local Government Service Ordinance ;” ;
and

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

“(bb) the qualifications necessary for appointments to posts or offices referred to in sub-paragraph (b) ;” ; and

(iii) by the substitution, for sub-paragraphs (c), (d) and (e) of that paragraph, of the following sub-paragraphs:—

“(c) the payment of salaries, allowances and remuneration to officers and

servants of the Council who are not members of the Local Government Service;

(d) the establishment and regulation of a provident fund for the benefit of the officers and servants referred to in sub-paragraph (c);

(e) the grant of leave of absence to officers and servants referred to in sub-paragraph (c).";

(b) in paragraph (xi) of that sub-section—

(i) by the substitution, for the word "Markets", of the words "Village or private markets";

(ii) by the substitution, for sub-paragraphs (a), (b) and (c) of that paragraph, of the following new sub-paragraphs:—

"(a) their establishment, maintenance and improvement;

(b) their regulation, supervision, inspection, and control, including the regulation of the prices of articles sold therein;

(c) their conservancy and scavenging, and the prevention of nuisances in connection therewith;";

(iii) by the substitution, in sub-paragraph (d) of that paragraph, for the words "village markets", of the word "them";

(iv) by the omission, in sub-paragraph (e) of that paragraph, of the word "village";

(v) by the substitution, in sub-paragraph (f) of that paragraph, for the words "spaces in village markets;" of the word "spaces;";

- (vi)] by the omission, in sub-paragraph (k) of that paragraph, of the word "village"; and
- (vii) by the substitution, in sub-paragraph (l) of that paragraph, for the words "employees at village markets; ", of the word "employees; "; and
- (c) by the insertion, immediately after paragraph (xxi) of that sub-section, of the following new paragraphs:—
 - " (xxia) The regulation, supervision, inspection and control of hairdressing saloons and barbers' shops;
 - (xxib) The regulation, supervision, inspection and control of billiard saloons;
 - (xxic) The regulation, supervision, inspection and control of forges;
 - (xxid) The licensing of auctioneers and brokers;
 - (xxie) The licensing of persons carrying on the business of money lending;".

18. Section 50 of the principal enactment is hereby amended by the repeal of sub-section (1) of that section and the substitution therefor of the following sub-section:—

Amendment of
section 50 of
the principal
enactment.

" (1) Subject to the provisions of section 56, it shall be lawful for a Village Council to borrow from the Ceylon Government, or any person or body of persons whether incorporated or not, such sum or sums of money as may be necessary for any of the purposes of the Council. Every loan raised by a Village Council shall be subject to such rate of interest and to such conditions for the repayment thereof as the Minister with the concurrence of the Minister of Finance may approve. "

Insertion of
new section
51B in the
principal
enactment.

19. The following new section is hereby inserted immediately after section 51A, and shall have effect as section 51B, of the principal enactment:—

“ Powers of
Chairman of a
Village
Council in
regard to
trees or
branches or
fruits of
trees endan-
gering the
safety of
person or
property.

51B. (1) Where in any village area any tree or any branch, fruit, or other part of a tree is causing or is likely to cause damage to any building, or is in a condition dangerous to the occupants of any building, or to the safety of passers-by along any public thoroughfare, the Chairman of the Village Council of such area may, by a notice in writing served on the owner or occupier of the land on which such tree stands, require such owner or occupier to tie up and make secure, or to cut down and remove, such tree or the branch, fruit, or other part of such tree within such time as may be specified in the notice.

(2) Every person on whom a notice from the Chairman of a Village Council is served under sub-section (1) shall comply with the requirements of such notice within the time specified therein, and in the event of the refusal or neglect of such person to comply with such requirements within such time, such Chairman, or any officer or workman authorised in writing by such Chairman, may enter upon the land referred to in such notice and do what such person was required to do by such notice, and the expenses thereby incurred may be recovered from such person as a debt due to such Village Council.”.

Amendment of
section 53 of
the principal
enactment.

20. Section 53 of the principal enactment is hereby amended as follows:—

(1) by the substitution, for the expression “ sections 43 to 47A ”, of the expression “ sections 43 to 47B and section 47F ”; and

(2) in paragraph (2) of that section—

(a) by the substitution, for sub-paragraph (c) of that paragraph, of the following new sub-paragraph:—

“ (c) the creation of any salaried post or office in the service of the Council ;”;

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

“ (cc) the remuneration to be assigned to any post or office in the service of the Council, not being a scheduled post within the meaning of the Local Government Service Ordinance ; ” ;
and

(c) by the substitution in sub-paragraphs (d) and (e) of that paragraph, for the words “ one hundred ”, of the words “ three hundred ”.

21. Section 54 of the principal enactment is hereby amended as follows:—

Amendment of
section 54 of
the principal
enactment.

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

(a) by the substitution in paragraph (a) of that sub-section—

(i) for the words “ shall be audited annually ”, of the words “ shall be inspected and examined once at least in every year, and shall be audited annually,” ; and

(ii) for the words “ such audit,” of the words “ such inspection, examination and audit,” ;

(b) by the substitution in paragraph (b) of that sub-section, for the words “ audit and examination ”, wherever those words occur in that paragraph, of the words “ inspection, examination and audit ” ;

(c) by the substitution in paragraph (c) of that sub-section, for all the words from “ document, or papers,” to “ this sub-section,” , of the following:—

“ document, or papers within thirty days of his being required so to do, or to make or sign any declaration when required so to do, under this sub-section,” ;

(d) by the substitution in paragraph (d) of that sub-section, for the words "due from such person:", of the following:—

"due from such person and communicate his decision in writing to such person through the Commissioner of Local Government. The communication shall be transmitted by the Commissioner of Local Government to such person by registered post, and if so transmitted shall be deemed to be received by such person at the time when the letter containing the decision would be delivered in the ordinary course of post, and in proving that such letter was posted it shall be sufficient to prove that such letter was properly addressed and put into the post:";

(e) by the insertion, immediately after paragraph (d) of that sub-section, of the following new paragraph:—

"(dd) Where any item of the accounts of a Village Council relating to any expenditure authorised by a resolution of the Council is disallowed by the auditor as being contrary to law under paragraph (d) of this sub-section, the Chairman of the Council and every other member of the Council who voted in favour of such resolution, shall each be deemed to be a person who made or authorised the making of the payment for the purposes of that paragraph.";

(f) by the substitution in paragraph (f) of that sub-section, for the word "fourteen", of the word "thirty";

(g) in paragraph (h) of that sub-section—

(i) by the substitution, for the words "Village Committee", wherever those words occur in that

paragraph, of the words
“ Commissioner of Local
Government ”, and

(ii) by the substitution, for all the words from “ recover the sum from such person ” to the end of that paragraph, of the words “ recover the sum due from such person in the manner specified in paragraph (ha) or paragraph (hb) ”;

(h) by the insertion, immediately after paragraph (h) of that sub-section, of the following paragraphs:—

“ (ha) If any sum referred to in paragraph (h) is not paid within the time allowed therefor by that paragraph to the Commissioner of Local Government by the person from whom it is due, such Commissioner may make an application—

(i) where such sum exceeds three hundred rupees, to the District Court, and

(ii) where such sum does not exceed three hundred rupees, to the Court of Requests,

within whose jurisdiction such person resides, for the recovery of such sum by seizure and sale of the immovable property of such person, and upon such application being made, the Court shall issue to the Fiscal a writ for the recovery of such sum by the seizure and sale of such immovable property. The provisions of the Civil Procedure Code relating to the seizure and sale of immovable property by the Fiscal in execution of a writ issued by a court and to the making and adjudication of claims in respect of immovable property seized by

the Fiscal shall apply to the seizure and sale of immovable property for the recovery of the sum specified in the Commissioner's application and to the making and adjudication of claims in respect of immovable property seized for the recovery of such sum. For the purpose of the application of such provisions the sum so specified shall be deemed to be due on a decree entered by the court and such Commissioner shall be deemed to be the judgment creditor and the person liable to pay such sum shall be deemed to be the judgment debtor.

- (hb) Where the Commissioner of Local Government is of the opinion in any case that recovery from any person of any sum referred to in paragraph (h) by seizure and sale of such person's immovable property is impracticable or inexpedient, or where the full amount of such sum has not been so recovered, such Commissioner may issue a certificate containing particulars of the amount due from such person and the name and last known place of business or residence of such person to a Magistrate having jurisdiction in the place in which such person resides. The Magistrate shall thereupon summon such person before him to show cause why proceedings for the recovery of the amount due should not be taken against such person, and if no sufficient cause is shown by such person, the amount due shall be deemed to be a fine imposed by a sentence of the Magistrate on such defaulter for an offence punishable with a fine only or not punishable

with imprisonment, and may
be recovered accordingly.”;
and

(i) by the substitution in paragraph (i), for
the words “ Village Committee ”, of
the words “ Commissioner of Local
Government ”; and

(2) by the addition, immediately after sub-section
(2), of the following new sub-section:—

“ (3) Every sum paid or recovered under
this section, other than any sum paid or
recovered as costs and expenses incurred in
the enforcement of any disallowance or
surcharge, shall be credited to the commu-
nal fund of the Village Council.”.

22. Section 55 of the principal enactment is hereby
repealed and the following new section substituted
therefor:—

Replacement of
section 55 of
the principal
enactment.

“ Deposit
and use of
communal fund.

55. (1) All moneys received by a Village
Council or by the Chairman of the Coun-
cil on behalf of the Council, and payable
to the communal fund shall, within four-
teen days of the receipt thereof, be de-
posited by the Chairman either—

(a) in the nearest Kachcheri; or

(b) in such of the banks in Ceylon as
may be selected by the Council
with the sanction of the
Minister,

and shall be credited to an account bear-
ing the name of that fund.

(2) Subject to the provisions of sub-
section (3) of section 63B, no payment
shall—

(a) where the communal fund of a
Village Council is maintained
in a Kachcheri, be made out of
that fund, except by the
Government Agent on an order
of payment signed and issued
by the Chairman of the Council,
or by the Vice-Chairman of the
Council acting under the
authority of the Chairman and
by an officer of the Council
specially authorised by the
Council for that purpose; or

(b) where that fund is maintained in a bank, except on a cheque or an order of payment signed and issued in such manner as may be prescribed by rules which are hereby authorised to be made for the purpose under section 59.

(3) Subject to the provisions of sub-section (2) of section 63B, no cheque or order for payment of moneys out of the communal fund of a Village Council shall be issued unless the expenditure to which it relates has been authorised by the Council either generally or by a resolution in that behalf.

(4) For the purpose of resolving any doubts as to the legality of any item of expenditure authorised by a resolution of a Village Council, the Chairman of the Council may refer the matter for decision through the Assistant Commissioner to the Commissioner of Local Government. The Commissioner shall communicate his decision on any such reference through the Assistant Commissioner to the Chairman.

(5) Where the Commissioner of Local Government has, on any reference made to him under sub-section (4), confirmed the legality of any item of expenditure authorised by a resolution of a Village Council, the Chairman of the Council and every other member thereof shall not, notwithstanding anything to the contrary in section 54, be liable to a surcharge by the auditor under that section in respect of any payment relating to that item of expenditure."

Insertion of
new section
56A in the
principal
enactment.

23. The following new section is hereby inserted immediately after section 56, and shall have effect as section 56A, of the principal enactment:—

"Waiver of
sums due to
a Village
Council.

56A. A Village Council may by resolution waive the whole or any part of any sum of money due to the Council from any person on the ground that the amount

to be waived is inconsiderable or irrecoverable or on the ground of the poverty of such person. A resolution relating to the waiver of an amount exceeding fifty rupees shall be subject to the approval of the Minister. ”.

24. Section 59 of the principal enactment is hereby amended as follows :—

Amendment of
section 59 of
the principal
enactment.

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

(a) by the insertion, immediately after paragraph (h) of that sub-section, of the following new paragraphs :—

“ (ha) the rates of subsistence and travelling allowances payable to members or officers or servants of Village Councils by way of reimbursement of expenses incurred in the performance of any duty;

(hb) the rates of travelling allowances payable to members of a Village Council for attendance at meetings of the Council;”;

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

“ (ii) the receipt and disposal of stores and equipment, the keeping of inventories and the manner in which such inventories shall be kept;”;

(c) by the substitution, for paragraph (j) of that sub-section, of the following new paragraph :—

“ (j) the appointment, discipline, suspension and dismissal of officers and servants of Village Councils who are not members of the Local Government Service, and—

(i) the qualifications necessary for appointment to posts or offices not being

scheduled posts within the meaning of the Local Government Service Ordinance;

(ii) the scales of the salaries to be assigned to such posts or offices;

(iii) the terms and conditions, and the duration, of any leave of absence that may be granted to such officers and servants;

(iv) provident funds for the benefit of such officers and servants of Village Councils as are not members of the Local Government Service;

(v) the payment of pensions and gratuities to officers or servants of the Village Council on their retirement from service from such Council;"; and

(d) by the omission of paragraph (k); and

(2) in sub-section (3) of that section, by the substitution, for the words "made by a Village Committee", of the words "made by, or any power vested in, a Village Council".

Amendment of
section 61 of
the principal
enactment.

25. Section 61 of the principal enactment is hereby amended as follows:—

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

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

"(2) For the purpose of satisfying himself in regard to any of the matters referred to in sub-section (1), the Minister may appoint any person to inquire into and report upon such matter, and the person so appointed shall, in relation to witnesses at such inquiry and their examination and

production of documents, have the powers of a Commission of Inquiry appointed under the Commissions of Inquiry Act, No. 17 of 1948."

26. The following new sections are hereby inserted immediately after section 63, and shall have effect as sections 63A, 63B, 63C, 63D, 63E, 63F, 63G and 63H, of the principal enactment:—

Insertion of
new sections
63A to 63H in
the principal
enactment.

" Power of
Minister to
make inquiry
as to default
in duty by
Village
Councils.

63A. (1) If at any time it appears to the Minister that any Village Council is omitting to perform any duty or to carry out any work imposed upon the Council by this Ordinance or any other written law, or that the Council has otherwise made default in the performance of any of its duties or the discharge of any of its responsibilities under this Ordinance or any other written law, the Minister may in writing give notice to the Council that, unless within such time as shall be specified in the notice the Council shows cause to the contrary, the Minister will appoint a person or persons to inquire into and report upon such omission or default to the Minister and to make recommendations as to the measures that should be taken for the purpose of performing such duty or carrying out such work or making good such default.

(2) Where any cause or sufficient cause is not shown by any Village Council to which notice is given under sub-section (1), the Minister shall appoint a person or persons to hold the inquiry referred to in the notice. Such inquiry shall be held as far as practicable in public.

Power of
Minister to
give and
enforce order
requiring a
Village
Council to do
necessary
work.

63B. (1) On the receipt of the report of the person or persons appointed to hold an inquiry under section 63A, the Minister shall determine what measures shall be taken for the purpose of performing any duty or carrying out any work which the Village Council has omitted to perform or carry out or in respect of which the Village Council has

made any default, and make in writing an order requiring the Council within such time as shall be specified in the order to take such measures accordingly, and to raise the funds necessary for the purpose by levying any one or more of the rates or taxes leviable under this Ordinance or by means of a loan.

(2) If a Village Council fails to comply with an order made under subsection (1) within the time specified therein, the Minister may in writing appoint some person to take the measures specified in the order, and may in writing fix the remuneration to be paid to such person, and direct that such remuneration and the cost of the measures taken in accordance with the order of the Minister shall be paid or defrayed out of the communal fund of the Council, and that, if necessary, any one or more of the rates or taxes leviable under this Ordinance shall be imposed, or increased, and levied.

(3) For the purpose of carrying out a direction of the Minister under subsection (2), any person appointed under that sub-section shall have the power—

(a) to impose, or increase, and levy any such rate or tax as may be imposed, or increased, and levied by the Village Council affected by such direction ; and

(b) to sign and issue a cheque or an order of payment for the withdrawal of, and to withdraw, any sum from the communal fund of the Council ;

and he shall, after paying or defraying all sums and expenditure authorised by such direction to be paid or defrayed by him, pay to the communal fund of the Council the surplus, if any, of the moneys received by him in the exercise of his powers under this sub-section.

Power of
Minister to
direct a
person
appointed
under
section 63B
(2) to raise
loan.

63C. The Minister may direct a person appointed under sub-section (2) of section 63B in respect of any village area, in addition to imposing, or increasing, and levying any rate or tax in that village area or in lieu thereof, to raise a loan from the Local Loans and Development Commissioners on the security of any rate or tax in that village area for the purpose of performing any duty, or carrying out any work, or making good any default under that section.

Power of
Minister to
certify
expenses.

63D. The Minister may from time to time certify the amount of the expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed under sub-section (2) of section 63B, and the amount of any loan required to be raised for the purpose of defraying the expenses that have been so incurred, or are estimated as about to be incurred, and a certificate of the Minister shall be conclusive as to all matters to which it relates.

Power of Local
Loan Commis-
sioners to
give a loan
which is
certified
under section
63D.

63E. (1) Whenever the Minister under section 63D certifies a loan to be necessary in respect of any village area, the Local Loans and Development Commissioners may lend to the Commissioner of Local Government or the person appointed under sub-section (2) of section 63B the amount of such loan on the security of any rate or tax in that village area without requiring any other security.

(2) The Commissioner of Local Government or the person appointed under sub-section (2) of section 63B may, as security for any such loan referred to in sub-section (1) as is obtained for any village area, mortgage any rate or tax in that village area, and such mortgage shall have the same effect as if it had been made by the Village Council of that village area.

Recovery of
principal and
interest from
the Village
Council.

63F. (1) The principal and interest due in respect of any loan raised for payment of any expenses incurred or to be incurred under this Part in respect of any village area shall be deemed to be a debt due from the Village Council of that village area, and, in addition to any other remedies, may be recovered in the manner provided by the Local Loans and Development Ordinance.

(2) The surplus of any loan, after payment of such expenses in respect of any village area as are referred to in subsection (1), shall, after that surplus is certified by the Minister, be paid to the communal fund of the Village Council of that village area.

Delegation
of powers
or duties of
Commissioner
of Local
Government to
Assistant
Commissioners.

63G. Any power, duty or function vested in or imposed on or assigned to the Commissioner of Local Government by or under this Ordinance, may be exercised, performed or discharged by any Assistant Commissioner generally or specially authorised thereto in writing by the Commissioner, subject to the directions and control of the Commissioner, for such period and to such extent, if any, as may be specified in such written authority.

Minister's
power to call
for and inspect
any book or
document of a
Village Council.

63H. The Minister may in writing direct the Chairman of a Village Council to transmit to the Minister for inspection any such book or document as relates to any affair of the Council."

Amendment of
section 129 of
the principal
enactment.

27. Section 129 of the principal enactment is hereby amended as follows:—

(1) in the definition of "local authority", by the substitution, for the words "Urban Council," of the words "Urban Council, Town Council,"; and

(2) by the insertion, immediately after the definition of "local authority", of the following new definitions:—

" "Local Government Service" means the Local Government Service constituted by the Local Government Service Ordinance;

“ Local Government Service Ordinance ”
means the Local Government Service
Ordinance, No. 43 of 1945; ’.

28. The Second Schedule to the principal enactment is hereby amended by the addition, at the end of that Schedule, of the following:—

Amendment of
the Second
Schedule to
the principal
enactment.

“ All fines and penalties recovered within the administrative limits of the village area under—

- (a) the Excise Ordinance (Chapter 42);
- (b) the Street Collections Ordinance (Chapter 335);
- (c) the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 172);
- (d) the Food and Drugs Act, No. 25 of 1949;
- (e) the Pawnbrokers Ordinance, No. 13 of 1942;
- (f) the Public Performances Ordinance (Chapter 134) ;
- (g) the Prevention of Cruelty to Animals Ordinance (Chapter 332) ;
- (h) the Local Authorities Elections Ordinance, No. 53 of 1946. ”.

29. The Third Schedule to the principal enactment is hereby amended as follows:—

Amendment of
the Third
Schedule to
the principal
enactment.

- (1) in paragraph 2 of that Schedule, by the addition, immediately after sub-paragraph (e) of that paragraph, of the following new sub-paragraph:—

“ (f) The Public Performances Ordinance (Chapter 134). ”; and

- (2) in paragraph 3 of that Schedule—

- (i) by the substitution, in sub-paragraph (c) of that paragraph, for the full stop, of a semi-colon ; and
- (ii) by the addition, immediately after sub-paragraph (c) of that paragraph, of the following new sub-paragraphs:—

“ (d) as pawnbrokers, on licences issued under section 3 of the Pawnbrokers Ordinance, No. 13 of 1942 ;

(e) under the Stamp Ordinance in respect of transfers, mortgage bonds, gifts and leases.”.

Amendment of
Chapter 155.

30. Section 51 of the Vehicles Ordinance is hereby amended as follows:—

- (1) in section 3 of that Ordinance by the substitution, for the words “or town”, of the words “town or village area”;
- (2) in section 16 of that Ordinance by the substitution, in sub-section (1) of that section, for the word “town,”, of the words “village area, town,”; and
- (3) in section 51 of that Ordinance by the substitution, in the definition of “proper authority”, for the word “town”, of the words “town or village area”, and by the substitution, for the words “District Council,”, of the words “Urban Council, Town Council, Village Council,”.

Amendment of
Chapter 334.

31. The Dog Registration Ordinance is hereby amended as follows:—

- (1) in section 2 of that Ordinance, by the substitution in the definition of “proper authority”—
 - (a) for the words “town or village”, of the words “village area”;
 - (b) for the words “Small Towns Sanitary Ordinance”, of the words “Village Councils Ordinance”; and
 - (c) for the words “Sanitary Board”, of the words “Village Council”;
- (2) in section 3 of that Ordinance by the substitution, for the word “town,”, of the words “town, village area,”;
- (3) in section 4 of that Ordinance—
 - (a) by the substitution, for the words “town, or place”, of the words “town, village area, or place”;
 - (b) by the substitution, for the words “town or village”, of the words “village area”; and
 - (c) by the substitution, for the words “Small Towns Sanitary Ordinance”, of the words “Village Councils Ordinance”;

- (4) in section 11 of that Ordinance by the substitution, in sub-section (1) of that section, for the words "town, or place", of the words "town, village area, or place"; and
- (5) in section 14 of that Ordinance—
- (a) by the substitution, for the words "town or village", of the words "village area";
 - (b) by the substitution, for the words "Small Towns Sanitary Ordinance", of the words "Village Councils Ordinance";
 - (c) by the substitution, for the words "Sanitary Board", of the words "Village Council"; and
 - (d) by the substitution, for the word "Board", of the word "Council".