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2nd Session 1971-72



Local Authorities (Special Provisions) Act, No. 48 of 1971

Date of Assent : November 3, 1971

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Local Authorities (Special Provisions)
Act, No. 48 of 1971

L.D.—O. 16/70.

AN ACT TO AMEND THE LAW RELATING TO LOCAL AUTHORITIES, TO MAKE IT OBLIGATORY FOR LOCAL AUTHORITIES TO PREPARE QUINQUENNIAL ASSESSMENTS OF ANNUAL VALUES AND TO LEVY RATES ON SUCH ANNUAL VALUES; TO PROVIDE THAT WHERE AN ORDER ALREADY MADE REMOVING A CHAIRMAN OR A MEMBER OF A LOCAL AUTHORITY FROM OFFICE IS SUBSEQUENTLY REVOKED, SUCH PERSON SHALL CEASE TO BE SUBJECT TO THE DISABILITY OF NOT BEING QUALIFIED TO BE ELECTED TO ANY LOCAL AUTHORITY; TO CAST THE DUTY OF RECOVERING RATES, TAXES, RENTS AND OTHER PAYMENTS ON CERTAIN OFFICERS OF LOCAL AUTHORITIES; TO PROVIDE FOR THE SUCCESSION OF ONE LOCAL AUTHORITY TO ANOTHER LOCAL AUTHORITY OF A DIFFERENT CATEGORY (IN CASES WHERE NO SUCH PROVISION HAS BEEN MADE); TO PROVIDE THAT WHERE ANY LAND WORTH LESS THAN A SPECIFIED SUM IS BEING ACQUIRED FOR A LOCAL AUTHORITY, THE IMMEDIATE POSSESSION OF SUCH LAND SHALL BE DEEMED TO BE NECESSARY FOR THE PURPOSES OF AN ORDER UNDER SECTION 38 OF THE LAND ACQUISITION ACT; TO PROVIDE THAT THE VICE-CHAIRMAN OF A TOWN COUNCIL AND THE VICE-CHAIRMAN OF A VILLAGE COUNCIL SHALL *Ex Officio* BE JUSTICES OF THE PEACE; TO PROVIDE THAT THE MAYOR OR THE DEPUTY MAYOR OF A MUNICIPAL COUNCIL SHALL BE REMOVED ONLY BY THE VOTE OF TWO-THIRDS OF THE TOTAL NUMBER OF COUNCILLORS; AND TO MAKE PROVISION FOR ALL MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: November 3, 1971]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of 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 Local Authorities (Special Provisions) Act, No. 48 of 1971.

Short title.

PART I

QUINQUENNIAL ASSESSMENTS OF ANNUAL VALUES

Amendment of
section 238 of
Chapter 252.

2. Section 238 of the Municipal Councils Ordinance is hereby amended as follows:—

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

(2) in the renumbered sub-section (1), by the substitution, for the words “ It shall not ”, of the words “ Subject to the provisions of sub-section (2), it shall not ”;

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

‘ (2) It shall be the duty of a Municipal Council to prepare once in every five years a list of assessments of annual values (to be called the “ quinquennial list ”) in respect of each house, building, land and tenement within the Municipality, and upon the preparation of such quinquennial list,—

(a) the annual values which appear in such quinquennial list shall be entered by the Council in the “ Assessment Book ” required to be kept by the Council under section 235; and

(b) the annual values appearing in such last-prepared quinquennial list shall, subject to the provisions of this Ordinance, be the annual values in relation to which the Council shall make and assess any rate or rates referred to in section 230.’; and

- (4) by the substitution, for the marginal note thereto, of the following marginal note:—

“ Frequency of
assessments of
annual values. ”.

3. Section 37 of the Village Councils Ordinance is hereby amended as follows:—

Amendment of
section 37 of
Chapter 257.

- (1) in sub-section (5) thereof, by the substitution, for the words “ The land tax ”, of the words “ Subject to the provisions of sub-section (8), the land tax ”; and

- (2) by the insertion, immediately after sub-section (7), of the following new sub-section:—

‘ (8) For the purpose of levying the assessment tax referred to in paragraph (a) of sub-section (2), the Council shall cause to be prepared once in every five years a list of assessments of annual values, to be called the “ quinquennial list ”, and where an assessment tax is levied by the Council such tax shall be calculated in relation to such last-prepared quinquennial list.’.

PART II

REMOVAL OF CERTAIN DISABILITIES OF CHAIRMEN AND MEMBERS WHO ARE REMOVED FROM OFFICE

4. Section 184 of the Urban Councils Ordinance is hereby amended by the insertion, immediately after sub-section (4) thereof, of the following new sub-section:—

Amendment of
section 184 of
Chapter 255.

“ (4A) (a) Where an Order is made by the Minister under sub-section (1) removing a person from the office of Chairman or member of the Council, the Minister may by a subsequent Order published in the *Gazette* revoke the first-mentioned Order, and the publication of such subsequent Order in the *Gazette* shall have the following effect, and the following effect only, namely that such person shall, notwithstanding the provisions of sub-section (3) of section 9 of the Local Authorities Elections Ordinance, cease, with effect from the date of such publication, to be subject to the disqualification set out in the aforesaid sub-section (3).

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(b) Where the provisions of paragraph (a) are in conflict or inconsistent with any other provisions of this Ordinance or of the Local Authorities Elections Ordinance, the provisions of paragraph (a) shall prevail."

**Amendment of
section 183 of
Chapter 256.**

5. Section 183 of the Town Councils Ordinance is hereby amended by the insertion, immediately after sub-section (4) thereof, of the following new sub-section:—

" (4A) (a) Where an Order is made by the Minister under sub-section (1) removing a person from the office of Chairman or member of the Council, the Minister may by a subsequent Order published in the *Gazette* revoke the first-mentioned Order, and the publication of such subsequent Order in the *Gazette* shall have the following effect, and the following effect only, namely that such person shall, notwithstanding the provisions of sub-section (3) of section 9 of the Local Authorities Elections Ordinance, cease, with effect from the date of such publication, to be subject to the disqualification set out in the aforesaid sub-section (3).

(b) Where the provisions of paragraph (a) are in conflict or inconsistent with any other provisions of this Ordinance or of the Local Authorities Elections Ordinance, the provisions of paragraph (a) shall prevail. "

**Amendment of
section 54 of
Chapter 257.**

6. Section 54 of the Village Councils Ordinance is hereby amended by the insertion, immediately after sub-section (2) thereof, of the following new sub-section:—

" (3) (a) Where an Order is made by the Minister under sub-section (1) removing a person from the office of Chairman, the Minister may by a subsequent Order published in the *Gazette* revoke the first-mentioned Order, and the publication of such subsequent Order in the *Gazette* shall have the following effect, and the following effect only, namely that such person shall, notwithstanding the provisions of sub-section (3) of section 9 of the Local Authorities Elections Ordinance, cease, with effect from the date of such publication, to be subject to the disqualification set out in the aforesaid sub-section (3).

(b) Where the provisions of paragraph (a) are in conflict or inconsistent with any other provisions of this Ordinance or of the Local Authorities Elections Ordinance, the provisions of paragraph (a) shall prevail."

PART III

RECOVERY OF RATES, TAXES AND RENTS AND OTHER PAYMENTS

7. Section 155 of the Municipal Councils Ordinance is hereby amended by the substitution, for the words "by the Council", of the words "by the Commissioner".

Amendment of
section 155 of
Chapter 252.

8. Section 188 of the Municipal Councils Ordinance is hereby amended in sub-section (1) thereof, in paragraph (r), by the substitution, for the words "Mayor on behalf of the Council in the exercise of its powers and the discharge of its functions", of the words "Mayor or the Commissioner or any officer of the Council on behalf of the Council in the exercise of its or his powers and the discharge of its or his functions".

Amendment of
section 188 of
Chapter 252.

9. Section 252 of the Municipal Councils Ordinance is hereby amended in sub-section (1) thereof, by the substitution, for the words "a warrant signed by the Mayor shall be issued to some collector", of the words "it shall be the duty of the Commissioner to issue a warrant signed by him to some collector".

Amendment of
section 252 of
Chapter 252.

10. Section 253 of the Municipal Councils Ordinance is hereby amended in sub-section (1) thereof, by the substitution, for the words "the Council may by warrant authorize an officer", of the words "it shall be the duty of the Commissioner by warrant signed by him to authorize an officer".

Amendment of
section 253 of
Chapter 252.

11. Section 256 of the Municipal Councils Ordinance is hereby amended as follows:—

Amendment of
section 256 of
Chapter 252.

(1) by the substitution, for the words "appointed by the Council", of the words "appointed by the Commissioner"; and

- (2) in the proviso to that section, by the substitution, for the words "under the Council's warrant", of the words "under the Commissioner's warrant".

Amendment of
section 257 of
Chapter 252.

12. Section 257 of the Municipal Councils Ordinance is hereby amended by the substitution, for the word "Council", of the word "Commissioner".

Amendment of
section 259 of
Chapter 252.

13. Section 259 of the Municipal Councils Ordinance is hereby amended by the substitution, for the words "signed by the Mayor," of the words "signed by the Commissioner,".

Amendment of
section 261 of
Chapter 252.

14. Section 261 of the Municipal Councils Ordinance is hereby amended by the substitution, for the words "by the Council," of the words "by the Commissioner,".

Amendment of
section 263 of
Chapter 252.

15. Section 263 of the Municipal Councils Ordinance is hereby amended by the substitution, for the word "Mayor", of the word "Commissioner".

Amendment of
the Fifth
Schedule to
Chapter 252.

16. The Fifth Schedule to the Municipal Councils Ordinance is hereby amended by the substitution, for the letters and word—

"A. B.,
Mayor",

of the letters and words—

"A. B.,
Municipal Commissioner".

Amendment of
the Sixth
Schedule to
Chapter 252.

17. The Sixth Schedule to the Municipal Councils Ordinance is hereby amended by the addition at the end thereof, of the following:—

"A. B.,
Municipal Commissioner".

Amendment of
the Seventh
Schedule to
Chapter 252.

18. The Seventh Schedule to the Municipal Councils Ordinance is hereby amended as follows:—

- (a) by the substitution, for the words "the Mayor", of the words "the Commissioner"; and

(b) by the substitution, for the letters and word—

“ A. B.,
Mayor ”,

of the letters and words—

“ A. B.,
Municipal Commissioner ”.

19. The Eighth Schedule to the Municipal Councils Ordinance is hereby amended as follows:—

Amendment of
the Eighth
Schedule to
Chapter 252.

(1) by the substitution, for the words “ the Mayor ”, of the words “ the Municipal Commissioner ”; and

(2) by the substitution, for the letters and word—

“ A. B.,
Mayor ”,

of the letters and words—

“ A. B.,
Municipal Commissioner ”.

20. Section 159 of the Urban Councils Ordinance is hereby amended in sub-section (1) thereof, in paragraph (a), by the substitution, for the words “ by the Council in the exercise of its powers and the discharge of its functions ”, of the words “ by the Council or by the secretary or any other officer of the Council in the exercise of its or his powers and the discharge of its or his functions ”.

Amendment of
section 159 of
Chapter 255.

21. Section 163 of the Urban Councils Ordinance is hereby amended in sub-section (9) thereof, by the substitution, for the words “ the Chairman ”, of the words “ the secretary of the Council ”.

Amendment of
section 163 of
Chapter 255.

22. Section 170 of the Urban Councils Ordinance is hereby amended in sub-section (1) thereof, by the substitution, for the words “ be recoverable ”, of the words “ be recoverable by the secretary of the Council ”.

Amendment of
section 170 of
Chapter 255.

23. Section 158 of the Town Councils Ordinance is hereby amended in sub-section (1) thereof, in paragraph (a), by the substitution, for the words “ by the Council in the exercise of its powers and the discharge of its functions ”, of the words “ by the

Amendment of
section 158 of
Chapter 256.

Council or by the secretary or by any other officer of the Council in the exercise of its or his powers and the discharge of its or his functions ”.

Amendment of
section 162 of
Chapter 256.

24. Section 162 of the Town Councils Ordinance is hereby amended in sub-section (9) thereof, by the substitution, for the words “ the Chairman ”, of the words “ the secretary of the Council ”.

Amendment of
section 169 of
Chapter 256.

25. Section 169 of the Town Councils Ordinance is hereby amended in sub-section (1) thereof, by the substitution, for the words “ be recoverable ”, of the words “ be recoverable by the secretary of the Council ”.

Amendment of
section 37 of
Chapter 257.

26. Section 37 of the Village Councils Ordinance is hereby amended in sub-section (5) thereof, by the substitution, for the words “ shall be recovered summarily,”, of the words “ shall be recovered summarily by an officer of the Council nominated for the purpose by the Assistant Commissioner,”.

Amendment of
section 39 of
Chapter 257.

27. Section 39 of the Village Councils Ordinance is hereby amended in sub-section (6) thereof, by the substitution, for the words “ the Chairman ”, of the words “ an officer of the Council nominated for the purpose by the Assistant Commissioner ”.

Recovery of
other payments
due to local
authorities.

28. (1) Where under the provisions of the Municipal Councils Ordinance, the Urban Councils Ordinance, the Town Councils Ordinance or the Village Councils Ordinance, or any by-law, rule or regulation made under any such Ordinance, any duty, fine, penalty, fee or other payment has become due to any local authority, then, notwithstanding anything to the contrary in any such provision or any such by-law, rule or regulation, it shall be the duty of the specified officer to take all steps necessary to recover such duty, fine, penalty, fee or other payment and credit it to the funds of the local authority in question.

(2) Where any rate, tax, rent, fee, duty, toll, fine, penalty or any other payment whatsoever has become due to any local authority under any written law, other than the Municipal Councils Ordinance, the Urban Councils Ordinance, the Town Councils Ordinance or the Village Councils Ordinance or any by-law, rule or regulation made under any such Ordinance, then, notwithstanding anything to the contrary in the

aforesaid written law, it shall be the duty of the specified officer to take all steps necessary to recover such rate, tax, rent, fee, duty, toll, fine, penalty or other payment and credit it to the funds of the local authority in question.

(3) For the purposes of sub-section (1) and sub-section (2), "specified officer" means—

- (a) in relation to a Municipal Council, the Municipal Commissioner of that Council;
- (b) in relation to an Urban Council or a Town Council, the secretary of that Council; and
- (c) in relation to a Village Council, an officer of that Council nominated for the purpose by the Assistant Commissioner of the region in which that Council is situated.

PART IV

SUCCESSION OF ONE LOCAL AUTHORITY TO ANOTHER

29. Section 325 of the Municipal Councils Ordinance is hereby amended as follows:—

Amendment of
section 325 of
Chapter 252.

(1) in sub-section (1) thereof—

(a) by the substitution, for the words "of any local authority established under the Urban Councils Ordinance or the Town Councils Ordinance—", of the words "of any local authority established under the Urban Councils Ordinance or the Town Councils Ordinance or the Village Councils Ordinance—"; and

(b) in paragraph (e)—

(i) by the substitution, for the words "Town Councils Ordinance,", of the words "Town Councils Ordinance or the Village Councils Ordinance,"; and

(ii) by the substitution, for the words "Town Council", wherever those words occur in that paragraph, of the words "Town Council or Village Council";

(2) in sub-section (2) thereof, by the substitution, for the words "Town Councils Ordinance," of the words "Town Councils Ordinance or the Village Councils Ordinance,"; and

(3) in sub-section (3) thereof—

(a) in paragraph (b), by the substitution, for the words "Town Council," of the words "Town Council; and"; and

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

"(c) in relation to the Village Councils Ordinance, means a Village Council."

Amendment of
section 2 of
Chapter 255.

30. Section 2 of the Urban Councils Ordinance is hereby amended in sub-section (1) thereof, by the substitution, for the words "any area, which is not a Municipality within the meaning of any written law for the time being applicable to Municipal Councils, and which", of the words "any area, which".

Insertion of
new section
55A in
Chapter 257.

31. The Village Councils Ordinance is hereby amended by the insertion, immediately after section 55, of the following new section which shall have effect as section 55A of that Ordinance:—

"Provision for
constitution
of a Village
Council out
of an area
within the
administrative
limits of a
local authority.

55A. (1) Where a Village Council is constituted under this Ordinance out of an area which is wholly or partly within the administrative limits of any Municipal Council, Urban Council, or Town Council, the provisions of sections 230 to 245 of the Urban Councils Ordinance shall, *mutatis mutandis*, apply in relation to the constitution of such Village Council.

(2) In connection with the preliminary arrangements necessary for the constitution of a Village Council under sub-section (1), the Minister may, by Order published in the *Gazette*, issue all such directions as he may deem necessary with a view to providing for any unforeseen or special circumstances or to determining or adjusting any question or matter for the determination or adjustment of which no provision or no effective provision is made by this Ordinance."

PART V

MISCELLANEOUS

32. (1) Where any land is being acquired for the purposes of a local authority and the preliminary valuation of that land made by the Chief Valuer of the Government does not exceed the specified sum, the immediate possession of such land on the ground of urgency, within the meaning of the proviso to section 38 of the Land Acquisition Act, shall be deemed to have become necessary, and accordingly the Minister in charge of the subject of Crown lands may make an Order of possession under the aforesaid section 38 of that Act.

Immediate possession of certain lands acquired for the purposes of local authorities.

(2) In sub-section (1) "specified sum" means—

- (a) in the case of an acquisition for the purposes of a Village Council or a Town Council, twenty-five thousand rupees;
- (b) in the case of an acquisition for the purposes of an Urban Council, seventy-five thousand rupees; and
- (c) in the case of an acquisition for the purposes of a Municipal Council, one hundred thousand rupees.

(3) The provisions of sub-section (1) shall not be construed to limit in any way the powers of the Minister in charge of the subject of Crown lands to make any Order of possession of any land on the ground of any urgency under section 38 of the Land Acquisition Act which he may lawfully make under that section, whether such land is being acquired for the purposes of a local authority or not.

33. Section 22A of the Town Councils Ordinance (inserted therein by Act No. 28 of 1957) is hereby amended as follows:—

Amendment of section 22A of Chapter 256.

- (1) by the substitution, for the word "Chairman", of the words "Chairman and Vice-Chairman";
- (2) by the substitution, for the word "shall," of the words "shall each,"; and
- (3) by the substitution, for the marginal note to that section, of the following marginal note:—

"The Chairman and Vice-Chairman to be Justices of the Peace."

Amendment of
section 22A of
Chapter 257.

34. Section 22A of the Village Councils Ordinance is hereby amended as follows:—

- (1) by the substitution, for the word “Chairman”, of the words “Chairman and Vice-Chairman”;
- (2) by the substitution, for the word “shall,”, of the words “shall each,”; and
- (3) by the substitution, for the marginal note to that section, of the following marginal note:—

“The Chairman and Vice-Chairman to be Justices of the Peace.”.

Amendment of
section 15 of
Chapter 252.

35. Section 15 of the Municipal Councils Ordinance is hereby amended in sub-section (2) thereof, by the substitution, for all the words from “one-half of the total number of Councillors” to the end of that sub-section, of the words “two-thirds of the total number of Councillors, he shall be deemed to vacate office on the date on which the resolution for such removal is so passed.”.

Amendment of
section 18 of
Chapter 252.

36. Section 18 of the Municipal Councils Ordinance is hereby amended in sub-section (2) thereof, by the substitution, for paragraph (b), of the following new paragraph:—

“(b) If at a special meeting of the Council convened under paragraph (a) of this sub-section, such a resolution as is referred to in that paragraph is negatived or is passed by less than two-thirds of the total number of Councillors, then, no other meeting for the purpose of considering a resolution for the removal from office of that Mayor or Deputy Mayor shall be convened by the Commissioner within six months from the date on which the first-mentioned resolution was negatived or so passed, anything in paragraph (a) of this sub-section to the contrary notwithstanding.”.

Interpretation.

37. In this Act, “local authority” means a Municipal Council, Urban Council, Town Council or Village Council.