

PARLIAMENT OF CEYLON

3rd Session 1967-68



Tourist Development Act, No. 14 of 1968

Date of Assent : April 17, 1968

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Tourist Development Act, No. 14 of 1968

L. D.—O. 9/67.

AN ACT TO PROVIDE FOR THE PROMOTION OF TOURIST DEVELOPMENT AND, IN PARTICULAR, BUT WITHOUT PREJUDICE TO THE GENERALITY OF THE FOREGOING PROVISIONS, TO PROVIDE FOR THE PROMOTION AND CARRYING OUT OF TOURIST DEVELOPMENT PROJECTS, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO, AND TO AMEND THE CEYLON TOURIST BOARD ACT, No. 10 OF 1966.

[Date of Assent: April 17, 1968]

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 Tourist Development Act, No. 14 of 1968, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette* (in this Act referred to as the "appointed date").

Short title
and date of
operation.

PART I

COMPULSORY ACQUISITION OF LAND, VESTING OF
FORESHORE AND RESTHOUSES IN THE BOARD,
ALIENATION OF LAND, AND PROVISIONS
APPLICABLE TO LOANS

CHAPTER I

*Compulsory acquisition of land and the vesting of
Crown land for tourist development projects*

2. (1) Where the acquisition of any land is necessary so as to make it available to the Board for the purpose of any tourist development project, whether such project is to be carried out by the Board or by any other person under the general direction and control of the Board, and the Minister by Order published in the *Gazette* approves the proposed acquisition so as to make such land so available,—

Compulsory
acquisition
of land.

(a) the purpose of that project shall be deemed to be a public purpose, and such land may be acquired under the Land Acquisition Act for the purpose of that project, and may be subsequently vested in the Board in the manner provided by sub-section (2); and

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(b) accordingly, no such Order, acquisition and subsequent vesting shall be deemed to have been, and to be, invalid by reason only of the fact that such land is subsequently alienated by the Board to any other person for the purpose of carrying out that project under and in accordance with the provisions of this Act.

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(2) Where any land is, in pursuance of sub-section (1), acquired under the Land Acquisition Act so as to be made available to the Board for the purpose of any tourist development project, the acquiring officer of the district in which that land is situated shall, after possession of that land has been taken for and on behalf of Her Majesty, by a certificate issued under his hand, vest that land in the Board, subject to such conditions or restrictions, if any, as may be specified in the certificate.

(3) The expression "public corporation" in section 49A of the Land Acquisition Act shall be deemed to include the Board and that expression shall, for the purposes of that Act, be construed accordingly.

(4) Where any land in any area is, in pursuance of the provisions of this Part, acquired under the Land Acquisition Act for the purpose of being made available to the Board for any tourist development project, then, notwithstanding anything to the contrary in the Land Acquisition Act, in ascertaining the market value of the land for the purpose of determining the compensation payable in respect of that land, no account shall be taken of any benefit or increase in value which has accrued or of any expectation of any benefit or increase in value likely to accrue, directly or indirectly, from any work of development or any other operation carried out by the Board, the Government or any Resort Authority in pursuance of the provisions of this Act.

Special grant
or lease of
Crown land to
the Board.

3. Where the Minister certifies that any Crown land is required to be made available to the Board for the purpose of any tourist development project, whether such project is to be carried out by the Board or by any other person under the general direction and control of the Board,—

(a) the purpose of that project shall be deemed to be a purpose for which a special grant or a lease of such land may be made to the Board

under section 6 of the Crown Lands Ordinance, and accordingly, the provisions of that Ordinance shall apply to a special grant or lease of such land to the Board for the purpose of that project; and

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- (b) accordingly, no such special grant or lease shall be deemed to have been, and to be, invalid, by reason only of the fact that such land is subsequently alienated to any other person for the purpose of that project under and in accordance with the provisions of this Act.

4. (1) Notwithstanding anything in the Crown Lands Ordinance or in any other written law, where the Minister certifies that any Crown land is required to be made available to the Board for the purpose of any tourist development project, whether such project is to be carried out by the Board or by any other person under the general direction and control of the Board, the Minister may, with the concurrence of the Minister to whom the subject or function of Crown lands has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council, by Order (hereafter in this Act referred to as a "vesting Order") published in the *Gazette*, vest such land in the Board, with effect from such date as shall be specified in the Order, subject to such restrictions or conditions, if any, as may be so specified.

Vesting of
Crown land
in the Board.

(2) A vesting Order shall have the effect of giving the Board absolute title to any land specified in the Order with effect from the date specified therein and free from all encumbrances.

(3) The vesting of any Crown land in the Board shall not be deemed to convey any right to any mineral, mineral product or mineral oil in, upon or under that land, unless otherwise expressly provided in the instrument of alienation and save as otherwise so expressly provided, any such mineral, mineral product and oil shall, notwithstanding any such vesting, be deemed to remain and shall remain the absolute property of the Crown.

5. Where any Crown land is, in pursuance of section 3 or section 4 to be vested in the Board, the Chairman of the Board may, if there is no plan of that land made by the Surveyor-General's Department, cause a survey and plan of that land to be made by a licensed surveyor approved by the Surveyor-General.

Chairman may
cause a survey
and plan to be
made of any
Crown land.

No compensation payable by the Board in respect of certain lands.
Cap. 460.

6. Where any land is, in pursuance of section 2, compulsorily acquired under the Land Acquisition Act so as to be made available to the Board for the purpose of a tourist development project and is subsequently vested in the Board under this Act, no compensation or damages shall be payable by the Board to any other person for any loss incurred by him, whether directly or indirectly, or by way of business or otherwise, by reason only of the fact of such compulsory acquisition and subsequent vesting and, accordingly, such other person shall not be entitled to demand or receive such compensation or damages from the Board:

Provided, however, that nothing in the preceding provisions of this section shall be deemed or construed to prejudice or affect the right to compensation, to which any person interested in that land within the meaning of that Act is or was entitled, from the Crown or any other person under the provisions of that Act in respect of such compulsory acquisition of that land.

CHAPTER II

The Foreshore

Power to vest administration, &c., of any part of the foreshore in the Board.

7. (1) The Minister may, with the concurrence of the Minister to whom the subject or function of Crown lands has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council, by Order published in the *Gazette*, vest in the Board the administration, control, custody and management of any such part of the foreshore as shall be specified in the Order. Such Order shall come into force on the date of its publication in the *Gazette*, or on such later date as may be specified therein.

(2) For so long, and so long only, as any Order under sub-section (1) is for the time being in force in respect of any part of the foreshore, the administration, control, custody and management of that part of the foreshore shall vest in the Board instead of in the Crown, and accordingly section 58 of the Crown Lands Ordinance shall have effect in that part of the foreshore subject to the following modification, namely, as though the reference therein to the Crown were a reference to the Board.

8. (1) For so long, and so long only, as any Order under section 7 is for the time being in force in respect of any part of the foreshore, any other enactment shall have effect in that part of the foreshore, subject to the modification that it shall be lawful for the Board—

Special powers relating to any part of the foreshore in respect of which an Order under section 7 is for the time being in force.

(a) to make or issue for that part of the foreshore any subsidiary written law under any such other enactment; and

(b) to exercise, discharge or perform in that part of the foreshore all or any of the powers, functions or duties conferred or imposed on any authority or officer or person by any such other enactment,

in like manner as though references in any such other enactment to the authority, officer or person empowered to make or issue such subsidiary written law, or to exercise or discharge or perform such powers, functions or duties, include references to the Board.

(2) For so long, and so long only, as any Order under section 7 is for the time being in force in respect of any part of the foreshore, no authority or officer or person in whom any powers, functions or duties are conferred or imposed by any other enactment shall, within that part of the foreshore, exercise or discharge or perform any such powers, functions or duties except with the concurrence of the Board.

(3) Regulations may be made under this Act, with the concurrence of the Ministers to whom the subjects or functions of fisheries and local government have been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council, for the protection of the rights of fishermen using any part of the foreshore in respect of which an Order under section 7 (1) is for the time being in force.

CHAPTER III

Resthouses

9. (1) Notwithstanding anything in any other enactment or any subsidiary written law, the Minister may, by Order published in the *Gazette*, vest any resthouse in the Board:

Vesting of resthouses in the Board.

Provided, however, that where the control of any resthouse is vested in any local authority, the Minister shall not make such Order in respect of

that resthouse, except with the prior concurrence of the Minister to whom the subject or function of local government has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council:

And provided further that where the control of any resthouse is not vested in any local authority, the Minister shall not make such Order in respect of such resthouse except with the prior concurrence of the Minister to whom the subject or function of Home Affairs has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council.

(2) Any Order made by the Minister under subsection (1) shall have the effect of giving the Board absolute title to the resthouse specified in the Order, including the land in or upon which such resthouse is situated, with effect from the date specified therein and free from all encumbrances.

Special provisions in the case of certain resthouses.

10. Where, on the day immediately prior to the date of the coming into operation of the principal Act, the control of any resthouse was vested in the former Director of the Government Tourist Bureau or the former Tourist Development Board, then, if an Order under section 9 is made by the Minister in respect of that resthouse, such Order, and the vesting effected by such Order, shall be deemed, for all purposes, to have taken effect on that date, and accordingly, the Board or any of its officers or servants shall be deemed to have had on or after that date, and to have, power and authority, on behalf of the Board,—

(a) to have taken, and to remain in, possession and custody of that resthouse;

(b) to have entered, and to enter, into contracts and agreements in respect thereof;

(c) to have issued, and to issue, instruments or documents by whatsoever name or designation called in respect thereof; and

(d) to have done, and to do, all such other acts or things as may have been, and may be necessary, in respect thereof.

CHAPTER IV

Alienation of land by the Board

11. (1) Without prejudice to the generality of the powers conferred on the Board by the principal Act, the Board may, with the approval of the Minister, alienate, for the purpose of any tourist development project, any land held by the Board, subject to—

Right of alienation of land held by the Board.

(a) such conditions as are specified in the succeeding provisions of this Chapter; and

(b) such further conditions as the Board may, in its absolute discretion, deem necessary to specify in the instrument of alienation, and in particular, but without prejudice to the generality of the foregoing provisions of this paragraph, a condition to the effect that the alienation effected by such instrument may be cancelled or determined in the event of a failure to comply with any other condition specified in such instrument, or in the event of any money due to the Board under such instrument remaining unpaid for any such period as may be specified therein.

(2) Nothing in the Crown Lands Ordinance shall affect, or be deemed or construed to affect, the alienation of any Crown land held by the Board for the purpose of any tourist development project.

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(3) No land vested in the Board under the provisions of this Act or any other written law shall be alienated by the Board by way of gift save to a local authority or to any Government-sponsored board or corporation constituted under any law.

12. (1) It shall be a condition of every alienation, by way of sale, of any land by the Board under this Chapter—

Conditions of alienation of land by the Board.

(a) that the vendee shall, at his own expense, carry out the provisions of any tourist development project for the time being in operation in respect of such land, and do all the necessary work and take all the necessary measures in, upon or in relation to such land or any structure thereon within the period specified by the Board in

the instrument of alienation, or such further period as the Board may thereafter specify, from time to time;

(b) that, in the event of the vendee failing to do so within the period or further period so specified, the sale effected by such instrument may be cancelled or determined by the Board; and

(c) that the vendee shall have no right to any timber in or upon such land, and accordingly, that such timber shall, notwithstanding such alienation by way of sale, be deemed to remain the property of the Board.

(2) It shall be a condition of every alienation, otherwise than by way of sale, of any land by the Board under this Chapter—

(a) that the alienee shall, at his own expense, carry out the provisions of any tourist development project for the time being in operation in respect of such land, and do all the necessary work and take all the necessary measures in, upon or in relation to such land or any structure thereon, within the period specified by the Board in the instrument of alienation, or such further period as the Board may thereafter specify, from time to time;

(b) that, in the event of the alienee failing to do so within the period or further period so specified, the alienation effected by such instrument may be cancelled or determined by the Board; and

(c) that the alienee shall have no right to any timber in or upon such land, and accordingly, that such timber shall, notwithstanding such alienation, remain the property of the Board.

Consequential provisions applicable in cases of alienation of land subject to a certain condition.
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13. Where the Board alienates, by way of lease or permit, any land under this Chapter subject to the condition that, according as it may be specified in the instrument of alienation, all or any of the provisions of Chapters V to IX (both Chapters inclusive) of the Land Development Ordinance shall apply to that land in like manner and to the same extent as such provisions apply in the case of a protected holding under

that Ordinance, then, all or any of such provisions, according as it may be so specified, shall so apply; and for the purpose of such application, such instrument shall be deemed to be an alienation, such land shall be deemed to be a protected holding, the alienee shall be deemed to be the owner of that holding, and the Board shall be deemed to be the Government Agent and may exercise, discharge or perform in respect of such land or the alienee any power, duty or function vested in, imposed upon, or assigned to the Government Agent under that Ordinance.

14. (1) Where any land alienated by the Board by way of sale under this Chapter reverts in the Board under section 18, the Board shall not be liable to pay to the vendee, and the vendee shall not be entitled to demand from, or to be paid by, the Board—

No compensation payable to alienee on reversion of land in the Board.

- (a) the price at which the land was sold by the Board; or
- (b) the value of the land at the time of such reversion; or
- (c) the value of any improvements effected thereon by the vendee, whether or not for the purpose of the tourist development project for the time being in operation in respect of that land; or
- (d) the value of the goodwill of any trade, business or undertaking carried on in or upon such land; or
- (e) the value, as a going concern, of any such trade, or business or undertaking.

(2) Where any right, interest or benefit under any alienation of land, otherwise than by way of sale by the Board under this Chapter, reverts in the Board under section 18, the Board shall not be liable to pay to such alienee, and such alienee shall not be entitled to demand from, or to be paid by, the Board—

- (a) the value of such right, interest or benefit; or
- (b) the value of any improvements effected on such land by the alienee, whether or not for the purpose of carrying out the provisions of the tourist development project for the time being in operation in respect of that land; or
- (c) the value of the goodwill of any trade, business or undertaking carried on in or upon such land; or

- (d) the value, as a going concern, of any such trade or business or undertaking.

Payments by
the Board to
approved credit
agency on
revesting of
land.

15. (1) Where any land alienated by the Board, by way of sale, under this Chapter which is subject to a mortgage or encumbrance in favour of an approved credit agency entitled to notice under the second proviso to section 17, revests in the Board under section 18, the Board shall pay to such approved credit agency, either—

(a) the price at which the land was sold by the Board, or the value of the land at the time of such revesting, whichever is less, together with the value of any improvements effected thereon by the vendee for the purposes of the tourist development project for the time being in operation in respect of the land; or

(b) the amount due on the mortgage or encumbrance in favour of such approved credit agency;

whichever is less.

(2) Where any right, interest or benefit under any alienation of land, otherwise than by way of sale, by the Board under this Chapter is subject to any mortgage or encumbrance in favour of any approved credit agency entitled to notice under the second proviso to section 17 revests in the Board under section 18, the Board shall pay to such approved credit agency the value of such right, interest or benefit together with the value of any improvements effected on such land by the alienee for the purpose of carrying out the provisions of the tourist development project for the time being in operation in respect of such land, or the amount due at the time of the cancellation or determination of such alienation, whichever is less.

(3) “ Value ”, in relation to any land or improvements on such land, means, for the purposes of the preceding sub-sections, the value as assessed by the Chief Valuer of the Government.

In the assessment of such value none of the following facts shall be taken into account by such Chief Valuer:—

(a) the goodwill of any trade, business or undertaking carried on in or upon such land; and

(b) the fact that any such trade, business or undertaking was a going concern.

(4) No payment in respect of any improvements shall be made by the Board under sub-section (1) or sub-section (2), unless such improvements have been in conformity with the provisions of the tourist development project then in operation in respect of that land.

(5) No payment shall be made by the Board to any approved credit agency in respect of any land subject to any mortgage or encumbrance in favour of such agency, unless such agency discharges the mortgagor or encumbrancer, as the case may be, from the obligation arising on such mortgage or encumbrance to the extent of such payment.

16. It shall be lawful for the Board or any member thereof or any person acting under the authority of the Chairman of the Board to enter into or upon any land alienated by the Board under this Chapter for the purpose of ascertaining whether the provisions of any tourist development project for the time being in operation in respect of such land are being or have been carried out on such land, and to inspect such land or any structure thereon or any measures taken for that purpose:

Power of the Board to enter and inspect certain lands.

Provided, however, that no person shall enter or inspect such land in pursuance of the power conferred by the preceding provisions of this section except with the consent of the alienee of such land or the occupier, or after giving such alienee or occupier not less than seven days' notice of the intention to do so.

17. Where the alienation of any land by the Board under this Chapter becomes liable to cancellation or determination by virtue of the operation of—

Cancellation or determination of instruments of alienation of land.

(a) the provisions of section 12; or

(b) any condition specified in the instrument of alienation to the effect that such alienation is liable to cancellation or determination in the event of a failure to comply with any other condition specified in such instrument, or in the event of any money due to the Board under such instrument remaining unpaid for any period specified in such instrument,

the Board may, by endorsement on such instrument, cancel such alienation, and thereupon such alienation shall be determined accordingly:

Provided, however, that no such endorsement shall be made on such instrument until the alienee of such land has been afforded an opportunity of showing cause against the proposed cancellation or determination:

And provided further that where such land is subject to any mortgage or encumbrance in favour of any approved credit agency, no such endorsement shall be made on such instrument until such agency has been given written notice of the proposed cancellation if, but only if, such agency had notified in writing to the Board the existence of such mortgage or encumbrance, and had also furnished the Board the name and address of such agency to which such notice may be given.

Cancellation or determination of instrument of alienation of land and ejectment of occupants.

18. Where the instrument of alienation of any land is cancelled or determined by the Board under this Chapter, such land shall revert in the Board, and the provisions of sections 47 and 48 shall apply to the ejectment of the occupants of such land.

No compensation or damages for loss incurred by reason of the cancellation or determination of any instrument of alienation of any land.

19. No alienee of any land or other person shall be entitled to any compensation or damages for any loss incurred by him, whether directly or indirectly, or by way of business or otherwise, by reason only of the cancellation or determination of the instrument of alienation of such land by the Board under this Chapter.

CHAPTER V

Provisions which may be applicable to loans

Application of this Chapter.

20. (1) Any provision of this Chapter shall apply to a loan granted by an approved credit agency on the security of land alienated by the Board.

(2) In this Chapter, the expression "appropriate authority", in relation to a loan granted by an approved credit agency, means such agency.

Power of appropriate authority to investigate purpose to which loan is applied.

21. The appropriate authority may call upon any person to whom a loan has been or is granted by that authority to satisfy that authority that the loan has been or is being applied to the purpose for which it has been or is granted, and the person so called upon may adduce evidence before the appropriate authority or any officer authorized by that authority to take such evidence to prove that the loan has been or is being applied for such purpose.

22. (1) The appropriate authority may at any time, in the discretion of that authority and without assigning any reason therefor, by written order direct that, within the time specified in that behalf in the order,—

Power of appropriate authority to require additional security or recall loan.

(a) additional security for a loan granted by that authority be provided to the satisfaction of that authority, and

(b) a loan granted by that authority be repaid either in full or in part.

(2) Where an order issued under sub-section (1) in respect of a loan is not complied with within the time allowed therefor by the order, default shall be deemed to be made in respect of the whole of the unpaid portion of that loan and the interest due thereon up to date, and, where that loan was granted on the mortgage of any land, the provisions of sections 30 to 46 shall apply to and in relation to that loan.

23. The appropriate authority may, in lieu of the whole or any part of any security which that authority has already accepted for any loan, accept new security if the new security, either alone or together with any portion of the original security which is to remain, is sufficient for a new loan of an amount equal to the total of the principal and interest still outstanding on account of the original loan.

Change of security.

24. Every loan shall be repaid—

Mode of repayment of loans.

(a) by instalments specified by the appropriate authority, or

(b) in any other manner so specified.

25. Every person—

Registered address of borrower, &c.

(a) to whom a loan is granted by the appropriate authority, or

(b) who obtains probate of the will or letters of administration to the estate of a person to whom a loan has been granted by the appropriate authority, or

(c) who, under section 34, is appointed to represent the estate of a deceased borrower, or

(d) to whom any right, title or interest in any land mortgaged to the appropriate authority as security for a loan granted by that authority, or in any other description of security for such a loan, passes whether by voluntary conveyance or by operation of law,

shall notify in writing to the appropriate authority an address to which all notices to him may be sent.

Service of
notice on
borrower.

26. Any notice which is required by or under this Chapter to be served on any person to whom section 25 applies shall be deemed to be duly served on that person if it is sent by post in a registered letter directed to that person at the address notified by him under that section, and the service shall be deemed to be effected at the time at which the letter would be delivered in the ordinary course of post.

Priority of
charge created
by loan made
by appropriate
authority.

27. Where a loan is granted by the appropriate authority on the mortgage of any land, that land shall on and after the date of the registration of such mortgage be charged with the payment of the loan with interest in priority to every other debt, mortgage or charge affecting it, except a debt which is secured by a mortgage duly registered prior to such date and which is due to a creditor who in good faith advanced the money before the loan was granted by the appropriate authority.

Form of
mortgage of
land.

28. No loan shall be granted by the appropriate authority on the mortgage of land alienated by the Board as security without the prior written consent of the Board, and every such mortgage executed in favour of such authority shall be substantially in such form as may be approved by the Board.

29. Where default is made in the payment of any sum due on any loan granted on the mortgage of land, whether that sum is due on account of principal or interest or of both, default shall be deemed to be made in respect of the whole of the unpaid portion of that loan and the interest due thereon.

Default of payment.

30. Where, under the provisions of this Chapter, default is made or is deemed to be made in respect of the whole of the unpaid portion of any loan and the interest due thereon, the appropriate authority may, with the prior written approval of the Board, take action as specified either in section 31 or in section 33; and where in any case the appropriate authority takes action or commences to take action in accordance with section 31, that authority may at any time thereafter take action in that case under section 33 if that authority deems it necessary to do so.

Action by appropriate authority where default is made.

31. Subject to the provisions of section 34, the appropriate authority may by order in writing authorize any person specified in the order to enter upon any land mortgaged to the appropriate authority as security for any loan in respect of which default has been made, to take possession of and to manage and maintain such land, and to exercise the same powers in the control and management of such land as might have been exercised by the mortgagor if he had not made default.

Appointment of manager to take possession of mortgaged land.

32. (1) Any person authorized by order of the appropriate authority under section 31 in respect of any land shall be entitled generally to take action in terms of the order, and in particular—

Procedure where manager is appointed.

- (a) to sell the produce of such land;
- (b) to receive the rents, profits and other income from such land;
- (c) to pay the expenses incurred in the control and management of such land out of the income from such land;

- (d) to appropriate to himself out of such income such sum, if any, as the appropriate authority may deem fit to fix as remuneration for his services; and
- (e) to remain in possession of such land until all moneys due to the appropriate authority under the mortgage of such land have been fully paid or until he is directed by that authority to yield possession of such land under sub-section (2).

(2) Any person authorized by order of the appropriate authority under section 31 in respect of any land shall—

- (a) pay quarterly or as otherwise directed by the appropriate authority to such person or persons and in such manner as that authority may direct the balance of the income from such land remaining after the payments herein before authorized have been made;
- (b) keep and render to the appropriate authority at such intervals as that authority may determine, clear and accurate records of all sums received or paid out by him in respect of such land; and
- (c) yield possession of such land to the mortgagor or some other person as directed by the appropriate authority and pay to that authority any balance of the income from such land remaining in his hands after the payments herein before authorized have been made.

(3) The appropriate authority shall, when all sums due to that authority under the mortgage have been fully paid, surrender possession of the mortgaged land to the mortgagor and return to him any balance remaining of the income from such land.

Authorization
of sale of
mortgaged land.

33. (1) Subject to the provisions of section 34, the appropriate authority may by order in writing authorize any person specified in the order to sell by public auction any land mortgaged to that authority as security for any loan in respect of which default has been made in order to recover the whole of the unpaid portion of such loan and the interest due thereon up to the date of sale, together with the moneys and costs recoverable under section 40.

(2) Where any land alienated by the Board is put up for sale under the provisions of sub-section (1), no person shall purchase any right, title or interest in such land except for the purpose of a tourist development project for the time being in operation in respect of that land.

(3) Where any land sold under the provisions of sub-section (1) is purchased by an approved credit agency, such agency shall, notwithstanding anything in any other law to the contrary, be entitled, with the approval of the Board, to carry out the provisions of the tourist development project, and accordingly the carrying out of such project shall be deemed, for all purposes, to be one of the purposes or objects of such agency.

34. (1) Save as otherwise provided in sub-section (2), the provisions of sections 31 and 33 shall apply in the case of any default notwithstanding that the borrower may have died or that any right, title or interest in the land mortgaged by the borrower as security for the loan may have passed by voluntary conveyance or by operation of law to any other person.

Where borrower
is dead.

(2) Where the borrower is dead and probate of his will or letters of administration to his estate have not been issued—

(a) the District Court of Colombo, or the District Court of the district in which the land mortgaged by the borrower as security for the loan is situate, may, upon application made in that behalf by the appropriate authority and after service of notice of the application on such persons, if any, as the Court may order, and if satisfied that the grant of probate or the issue of letters of administration is likely to be unduly delayed, appoint a person to represent the estate of the borrower for the purpose of this sub-section, and

(b) the provisions of sections 31 and 33 shall not apply in the case of any default made by the borrower unless and until a representative of his estate is appointed under this sub-section.

Notice of sale
by public
auction of
land mortgaged
to appropriate
authority.

35. Notice of every order under section 33 authorizing the sale of any land shall be published in the *Gazette* and in a daily newspaper in Sinhala, Tamil and English, and copies of such notice shall be served on the borrower, if he is alive, and on every person who has, in respect of that land, notified his address under section 25.

Notice of sale.

36. Notice of the date, time and place of every sale shall, not less than fourteen days before the date fixed for the sale, be published in the *Gazette* and copies of such notice shall—

- (a) be served on the borrower, if he is alive, and on every person on whom notice of the order authorizing the sale is required to be served under section 35;
- (b) be posted on or near the land which is to be sold; and
- (c) be affixed to the walls of the kachcheri and the several District Courts and Magistrates' Courts within the jurisdiction of which the land is situate.

Payment before
sale.

37. (1) If the amount of the whole of the unpaid portion of the loan (together with all interest due thereon according to the terms of the mortgage), and of the moneys and costs, if any, recoverable by the appropriate authority under section 40 is tendered to that authority at any time before the date fixed for the sale of the land mortgaged to that authority as security for the loan, that land shall not be sold and no further steps shall be taken in pursuance of the order under section 33 for the sale of that land.

(2) If the amount of the instalment or other payment in respect of which default has been made, together with any interest due thereon according to the terms of the mortgage, and of the moneys and costs, if any, recoverable by the appropriate authority under section 40 is tendered to that authority at any time before the date fixed for the sale of the land mortgaged to that authority as security for the loan, that authority may, in the discretion of that authority, direct that such land shall not be sold and that no further steps shall be taken in pursuance of the order under section 33 for the sale of such land.

38. The Board may fix an upset price below which the land mortgaged to an approved credit agency as security for the loan shall not be sold to any person other than that agency.

Upset price.

39. In any case where two loans have been granted by the appropriate authority on the security of the same land and default is made in the payment of any sum due upon any one of such loans, the foregoing provisions of this Chapter shall apply notwithstanding that default may not have been made in respect of the other loan; and the appropriate authority may, with the approval of the Board, in any such case, by order under section 33 authorize the sale of the land for the recovery of the total amount due to that authority in respect of both such loans; and the provisions of this Chapter shall apply accordingly.

Default in respect of one of two loans on the same land.

40. In addition to the amount due on any loan, the appropriate authority may recover from the borrower or any person acting on his behalf—

Recovery of expenses and costs incurred by the appropriate authority.

(a) all moneys expended by that authority, in accordance with the covenants contained in the mortgage bond executed by the person to whom the loan was made, in the payment of premiums and other charges under any policy of insurance effected in respect of the land mortgaged to that authority, and in the payment of all other costs and charges authorized by the aforesaid covenants to be incurred by that authority; and

(b) the costs of advertising the sale of, and of selling, the mortgaged land:

Provided that the amount recovered as costs under paragraph (b) of this section shall not exceed such percentage of the loan as may be prescribed by the Board.

41. Where the mortgaged land is sold, the appropriate authority shall, after deducting from the proceeds of the sale the amount due on the mortgage and the moneys and costs recoverable under section 40, pay the balance remaining, if any, either to the borrower or to any person legally entitled to accept the payments due to the borrower, or, if the appropriate authority is in doubt as to whom the money should be paid, into the District Court of the district in which such land is situate to be drawn by the person entitled thereto.

Payment of balance of proceeds of sale after deduction of amount due to the appropriate authority.

Certificate
of sale.

42. (1) Where the mortgaged land is sold, the appropriate authority shall, with the approval of the Board, sign a certificate of sale in such form as may be prescribed by the Board for the purpose, and thereupon all the right, title and interest of the borrower to and in the land shall vest in the purchaser; and thereafter it shall not be competent for any person claiming through or under any alienation whatsoever of the right, title or interest of the borrower to and in the land, made or registered after the date of the mortgage of the land to the appropriate authority, in any court to move to invalidate the sale for any cause whatsoever or to maintain any right, title or interest to or in the land as against the purchaser:

Provided, however, that no right, title or interest in such land shall vest in the purchaser under the certificate of sale, unless the purchaser had the prior written approval of the Board for such purchase.

(2) A certificate signed by the appropriate authority in accordance with sub-section (1) shall be conclusive proof, with respect to the sale of any land, that all the provisions of this Chapter relating to the sale of the land have been complied with.

(3) Regulations may be made under this Act prescribing the form of the certificate of sale.

(4) Every certificate of sale under this section shall be liable to stamp duty and charges as if it were a conveyance of immovable property, and to any registration and other charges authorized by law, all of which shall be payable by the purchaser.

Order for
delivery of
possession.

43. (1) The purchaser of any land sold in pursuance of the preceding provisions of this Chapter shall, upon application made to the District Court of Colombo or the District Court having jurisdiction over the place where that land is situate and upon production of the certificate of sale issued in respect of that land under section 42, be entitled to obtain an order for delivery of possession of that land.

(2) Every application under sub-section (1) shall be made, and shall be disposed of, by way of summary procedure in accordance with the provisions of Chapter XXIV of the Civil Procedure Code; and on all documents filed for the purpose of each such application and on all proceedings held thereupon, stamp duties and other charges shall be payable at the respective rates at which such duties and charges are payable

under any written law for the time being in force on applications for, and proceedings connected with or incidental to, the execution of a decree of a District Court for the delivery of possession of any immovable property of the same value as the land to which such application relates.

(3) Where any land sold in pursuance of the preceding provisions of this Chapter is in the occupancy of the debtor or of some person on his behalf or of some person claiming under a title created by the debtor subsequently to the mortgage of the land to the appropriate authority, the District Court shall order delivery of possession of that land to be made to the purchaser by putting the purchaser, or any person whom he may appoint to receive possession on his behalf, in possession of that land.

(4) Where any land sold in pursuance of the preceding provisions of this Chapter is in the occupancy of a tenant or other person entitled to occupy it, the District Court shall order delivery of possession of that land to be made to the purchaser by affixing a notice of the sale having taken place, in the Sinhala, Tamil and English languages, in some conspicuous place on that land, and proclaiming to the occupant by beat of tom-tom, or in such other mode as may be customary, at some convenient place, that the interest of the debtor has been transferred to the purchaser. The cost of such proclamation shall be fixed by the court and shall in every case be prepaid by the purchaser.

(5) Every order under sub-section (3) or sub-section (4) shall be deemed, as the case may be, to be an order for delivery of possession made under section 287 or section 288 of the Civil Procedure Code and may be enforced in like manner as an order so made, the debtor and the purchaser being deemed, for the purpose of the application of any provision of that Code, to be the judgment-debtor and the judgment-creditor, respectively.

Cap. 101.

44. Where the land sold is purchased by the appropriate authority, the Board may, at any time before that authority resells that land, cancel the sale by an endorsement to that effect on a certified copy of the certificate of sale, upon the debtor or any person on his behalf paying to that authority the amount due in respect of the loan for which the land was sold (including the costs of seizure and sale) and interest

Cancellation
of sale.

on the aggregate sum at a rate not exceeding the prescribed rate. Such an endorsement shall, upon registration in the office of the Registrar of Lands, revest the land in the debtor as though the sale under this Chapter had not been made.

Resale by appropriate authority.

45. (1) Where the land sold is purchased by the appropriate authority and the sale is not cancelled under section 44 that authority may, with the prior written approval of the Board, at any time resell the land and transfer to the purchaser by endorsement on such copy of the certificate of sale as is certified by that authority to be a true copy, all the right, title and interest to or in that land acquired by that authority.

(2) The provisions of sub-section (4) of section 42 shall apply to an endorsement made under sub-section (1) of this section in like manner as they apply to a certificate of sale.

(3) An endorsement made under sub-section (1) shall, when it is registered in the office of the Registrar of Lands, vest in the purchaser specified in that endorsement such right, title and interest as are so specified.

Appropriate authority not precluded from other methods of recovery.

46. Nothing in sections 30 to 45 shall be deemed to preclude the appropriate authority from recovering the amount due on any mortgage bond in accordance with the provisions of any other written law:

Provided, however, that no action or proceeding for the recovery of money due on such mortgage shall be instituted except with the written authority of the Board.

CHAPTER VI

Miscellaneous

Procedure in ejectment of occupant &c., of land held by the Board. Cap. 454.

47. (1) Where any land is vested in the Board under section 2 or section 9, or is made over to the Board by way of a special grant or lease under the Crown Lands Ordinance, read with section 3 of this Act, or reverts in the Board under section 18, the Chairman of the Board may in writing order any person in possession or occupation of that land to vacate the land within the time specified in such order.

(2) Where any land is vested in the Board under any of the provisions of this Act and the Minister has reason to believe that as the result of any action taken or proposed to be taken by the Board or the Chairman of the Board any person or persons will be de-housed in such manner as to cause hardship to such person or persons the Minister may take such steps as he deems necessary to provide alternative accommodation to such person or persons or to direct the Board to pay any sum or sums by way of adequate compensation to such person or persons out of moneys specially provided by Parliament to the Board for that purpose.

48. Where any person on whom any order under section 47 is served fails to vacate the land to which that order relates within the time specified in that order, he may be ejected from the land under the provisions prescribed by sections 120 to 127 (both inclusive) of the Land Development Ordinance which shall apply in relation to that land as if the instrument of alienation of that land were a grant under that Ordinance, that land were a holding under that Ordinance, the order were a notice under section 119 of that Ordinance, and the Chairman were the Government Agent exercising, discharging or performing in respect of that land any power, duty or function imposed upon or assigned to the Government Agent under that Ordinance.

Sections 120 to 127 of the Land Development Ordinance made applicable to ejection of occupants, &c.
Cap. 464.

49. No loan shall be granted, and no alienation of any land shall be made, under this Part to individuals who, or companies or firms or other associations of persons in which the majority of members or partners, are not citizens of Ceylon, except with the prior approval of the Minister.

Loans and alienations of land for the benefit of citizens of Ceylon.

50. (1) Where any land alienated by the Board under this Part for any tourist development project is mortgaged to an approved credit agency, the provisions of sections 46 and 47 of the Mortgage Act shall not apply to the recovery of any loan granted on the mortgage of such land and, accordingly, any decree in any hypothecary action upon any such mortgage of land, and any decree in any action for the recovery of any moneys due upon such mortgage, may order any property whatsoever to be sold for the recovery of any moneys found due under the mortgage and any property whatsoever may be sold or may be liable to be sold in execution of such decree.

Sections 46 and 47 of the Mortgage Act not to apply where land alienated by the Board is mortgaged to an approved credit agency.
Cap. 89.

(2) In this section "action for the recovery of moneys due upon a mortgage" includes any action for the recovery of any debt secured by a mortgage where the cause of action set upon arises by reason of the mortgage or otherwise.

Provisions of
Debt Concilia-
tion Ordinance
and of section
111A of Inland
Revenue Act
not to apply.
Cap. 81.

51. (1) The provisions of the Debt Conciliation Ordinance shall cease to apply in respect of any debt incurred or loan obtained on the security of any land alienated by the Board under this Part, and such provisions shall be read and construed accordingly.

(2) Section 111A of the Inland Revenue Act, No. 4 of 1963, shall cease to apply to any land alienated by the Board and, accordingly, no such land shall be liable to be vested in the Crown under the provisions of that section.

Regulations.

52. Regulations may be made under this Act in respect of all or any of the following matters:—

- (a) the terms and conditions subject to which alienations of land may be made by the Board under this Part;
- (b) prescribing the procedure for the registration of documents whereby the nomination of successors or life holders is effected or cancelled, and for matters connected therewith or incidental thereto, including the registers which shall be kept and the fees which shall be charged for such registration;
- (c) the manner of the publication or service of notices or of the service of other process;
- (d) the procedure for the payment of compensation by the Board and for matters connected therewith or incidental thereto;
- (e) any other matter connected with or incidental to any of the matters aforesaid.

PART II

NATIONAL HOLIDAY RESORTS

CHAPTER I

Establishment of National Holiday Resorts and Powers and Duties of the Board in such Resorts

Establishment
of national
holiday resorts.

53. (1) The Minister may, by Order published in the *Gazette*, declare that any area comprising land held by the Board shall, for the purposes of this Act,

be a national holiday resort, and may by that Order, or by any Order subsequently published in the *Gazette*, assign a name to such national holiday resort.

(2) Any Order declaring an area a national holiday resort under this section may define the area by setting out the metes and bounds of the lands or each of the lands comprised in the area.

(3) The Minister may, by Order published in the *Gazette*, declare that from a specified date the limits of any national holiday resort shall be altered or varied.

(4) If the area or any part of the area which is to be declared a national holiday resort by Order made by the Minister under this section is within the administrative limits of any local authority, no such Order shall be made by the Minister, except after consultation with such local authority and with the concurrence of the Minister to whom the subject or function of local government has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council.

(5) Notwithstanding anything in any provision of this section the House of Representatives may by resolution revoke any Order made by the Minister under this section within fifty days of the publication of such Order in the *Gazette*, and in the computation of such period of fifty days no account shall be taken of any period during which Parliament is prorogued or dissolved. Such revocation shall be without prejudice to anything previously done thereunder.

54. The Board shall be the authority responsible for the administration and control of each national holiday resort.

Administration, &c., of each national holiday resort vested in the Board.

55. The functions of the Board in relation to each national holiday resort shall be—

Functions of the Board in relation to each national holiday resort.

(a) to promote measures for public health;

(b) to establish and maintain within such resort any public utility service, recreational facilities and cultural activities for the benefit of people residing in or visiting such resort;

(c) to undertake and promote any development for the comfort, convenience or welfare of those residing within, or visiting, such resorts and to provide all such amenities as the Board may deem necessary; and

- (d) to levy such fees and charges as may be necessary for services and amenities provided by the Board.

Power of
Minister to
modify
effect of
certain
written laws

56. (1) For the purpose of enabling the Board to exercise, perform or discharge, within any national holiday resort, any power, duty or function under any written law for the time being specified in the First Schedule, regulations may be made under this Act, with the concurrence of the Minister to whom the subject or function of that written law has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council, declaring that any such written law shall, in its application within that resort, have effect subject to such modifications as may be specified in those regulations.

(2) Regulations may be made under this Act, with the concurrence of the Minister to whom the subject or function of any written law for the time being specified in the First Schedule has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council, declaring that such written law, or any such provisions of such written law as may be specified in those regulations, shall not apply within any national holiday resort.

(3) Where any regulation is to be enacted in pursuance of sub-section (1) or sub-section (2) which amends, modifies, limits or suspends the exercise of the powers, duties or functions statutorily conferred upon or delegated to any local authority or any Government-sponsored board or corporation under any written law specified in the First Schedule, the Minister shall before he seeks the concurrence of the Minister to whom the subject or function of that written law has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council consult the wishes of such local authority or board or corporation.

(4) Notwithstanding the provisions of sub-section (5) of section 96 of this Act no regulation made in pursuance of any of the provisions of this section shall come into force unless and until it has been approved by resolution of the House of Representatives.

CHAPTER II

*Constitution of Resort Authorities and Powers and
Functions of such Authorities*

57. (1) The Minister shall, by notification published in the *Gazette*,—

A Resort Authority to be constituted for each national holiday resort.

(a) constitute a Resort Authority for each national holiday resort; and

(b) assign a name to that Resort Authority.

(2) The provisions for the time being contained in the Second Schedule shall apply to and in relation to a Resort Authority for each national holiday resort in respect of all matters to which such provisions apply.

58. (1) A Resort Authority shall, as agent of the Board, exercise, discharge and perform such powers, functions or duties of the Board as are assigned or delegated to it by order from time to time made by the Board, and in the exercise of such powers, functions or duties, the Resort Authority shall give effect to any directions which may, from time to time, be issued by the Board.

Resort Authority to act as agent of the Board.

(2) The Board may, from time to time, by order assign or delegate to a Resort Authority any of the powers, functions or duties conferred or imposed on the Board under this Act or any other written law.

(3) Any directions which the Board may issue under the provisions of this section shall be in conformity with sub-section (1) of section 14 of the principal Act.

(4) Where the effect of an order of the Board under sub-section (2) is that functions previously directly exercisable by the Board are exercisable by a Resort Authority, or that functions previously exercisable by a Resort Authority are exercisable directly by the Board, the order may include such transitional provisions as to the parties by and against whom legal proceedings are to be instituted or continued, and such other transitional powers, if any, as may appear to the Board to be expedient.

Special provisions applicable in case of Resort Authorities.

59. (1) No assignment or delegation of powers by the Board under this Chapter, or any direction issued by the Board, shall empower a Resort Authority to borrow any money unless the borrowing is temporary and is for the purpose of carrying out the current business of that Authority and is authorized generally or specially by the Board.

(2) As respects matters for the time being falling within the scope of any assignment or delegation by the Board under this Chapter, the following provisions shall have effect except as between a Resort Authority and the Board, that is to say—

(a) any rights, powers and liabilities of the Board, including suits or prosecutions, shall be treated as rights, powers and liabilities of that Authority, and that Authority only;

(b) that Authority shall to the exclusion of the Board be treated as the employer of any officers or servants of the Board so long as they are by virtue of the assignment or delegation under the control of that Authority;

and any reference to the Board under this Act or any other written law or in any contract or document shall be construed accordingly, and legal proceedings shall be brought by and against that Authority accordingly to the exclusion of the Board:

Provided that if any sum required by any judgment or order to be paid by the Resort Authority is not paid by that Authority within one month from the date on which the execution becomes leviable to enforce the judgment or order, the Board shall be liable to pay that sum and that judgment or order shall be enforceable against the Board accordingly.

Contracts by Resort Authority with Government departments, local authorities, &c.

60. Any local authority or Government department or other body of persons (whether corporate or unincorporate) may, notwithstanding anything to the contrary in any written law or instrument relating to its functions, enter into and perform all such contracts with a Resort Authority as may be necessary for the exercise, discharge or performance of the powers, functions and duties of that Authority.

Delegation of powers of Resort Authority to its officers.

61. All duties and powers which a Resort Authority is empowered to perform and exercise under this Act or under any other enactment, or any subsidiary written law made or issued thereunder, may

be performed and exercised by any officer of that Authority generally or specially authorized thereto in writing by that Authority, subject to the direction and control of that Authority, for such period and to such extent, if any, as may be specified in such written authority.

62. A Resort Authority may, by instrument in writing, grant a general authority to any officer of that Authority to do, give, or receive, as may be necessary, from time to time, subject to the general control of that Authority all acts, receipts and approvals which that Authority is empowered to do, give, or receive by this Act or any other enactment, or by any subsidiary written law made thereunder, and all acts, receipts, and approvals done or given or received by such officer, so long as such instrument remains in force, shall be as binding and valid as if such acts, receipts and approvals were done or given by that Authority.

Power of Resort Authority to grant general authorities to its officers.

63. Whoever shall wilfully obstruct any officer of a Resort Authority in the performance of any power, function or duty or in the exercise of any authority vested in or conferred upon him under or by virtue of any of the provisions of this Act or any other enactment, or any subsidiary written law made thereunder, shall be guilty of an offence under this Act, and shall be liable on conviction to be punished with a fine not exceeding two hundred and fifty rupees.

Punishment for obstructing officers of Resort Authority.

64. A person who is a Resort Authority, and all officers and servants of that Authority, shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

A Resort Authority and its officers and servants to be public servants.
Cap. 19.

CHAPTER III

Planning Procedure

65. (1) The Board may direct the Resort Authority for a national holiday resort to prepare a resort development plan for that resort, and may specify a date before which such plan should be submitted for the consideration of the Board:

Board may direct Resort Authority to prepare resort development plan.

Provided, however, that the date so specified may be extended, from time to time, at the request of such Authority.

(2) Upon a direction being issued under the preceding sub-section for the preparation of a resort development plan for a national holiday resort, it shall be the duty of the Resort Authority for that resort, in accordance with such directions and on or before such date as may be specified in such directions, to prepare a draft resort development plan for that resort.

(3) The draft resort development plan so prepared by the Resort Authority shall be accompanied by such maps or sketches and a statement setting out the stages and the period within which the proposed plan is to be implemented, together with an estimate of the cost of implementing such plan.

Draft resort development plan to be submitted to the Board and to the Minister.

66. (1) Every draft resort development plan which is prepared under this Chapter shall be submitted to the Board, and the Board shall, as soon as practicable, examine the draft plan and transmit it to the Minister, together with its recommendations for the approval or modification thereof.

(2) Upon the transmission of the draft resort development plan to the Minister under the preceding provisions of this section, the Minister may, after consideration of the recommendations made by the Board with respect to the plan, approve the draft resort development plan, subject to such alterations or modifications, if any, as the Minister may consider necessary.

Provision with respect to land contiguous to a national holiday resort.

67. Before a draft resort development plan for any national holiday resort is approved by the Minister, the Minister may, if he considers it expedient that the plan should include provision with respect to any land which, though situated outside the limits of that resort, is contiguous to that resort, direct the Board to include or cause to be included in the plan provision with respect to such land.

Coming into operation of resort development plan.

68. Every resort development plan or modification thereof which has been approved by the Minister shall be published in the *Gazette* and shall come into operation only after the expiry of a period of fifty days after such publication, provided however that the House of Representatives may by resolution

within that period declare such plan or such modification thereof to be void and of no effect and provided further that in the computation of that period no account shall be taken of any period during which Parliament is prorogued or dissolved.

69. (1) The Board may, at any time after a resort development plan has come into operation for any national holiday resort, direct the Resort Authority to prepare a new resort development plan for the modification or revocation of that plan, or of any provision contained in that plan, and may specify the date before which such new plan shall be submitted for the consideration of the Board:

Direction to prepare a new resort development plan for modification or revocation of an existing plan.

Provided, however, that the date so specified may be extended, from time to time, at the request of the Resort Authority.

(2) Upon such directions being issued under the preceding sub-section for the preparation of a new resort development plan for a national holiday resort, it shall be the duty of the Resort Authority, in accordance with such directions and on or before such date as may be specified in such directions, to prepare a new draft resort development plan for that resort.

(3) Every direction issued under the preceding provisions of this section for the preparation of a new resort development plan shall have the like effect as any directions issued under section 65, and the preceding provisions of this Chapter shall, in so far as they are applicable and subject to such modifications or adaptations as may be made in that behalf by regulation made under this Act, apply in relation to the preparation and consideration of that new plan, and the approval and the coming into operation thereof.

70. (1) The Board may, at any time after a resort development plan has come into operation, make application to the Minister to revoke any provision contained in that plan.

Application for an Order for the revocation of any provision contained in a resort development plan.

(2) The Minister may, upon application made to him in that behalf under sub-section (1), determine that any provision contained in the resort development plan to which such application relates shall be revoked.

(3) Every determination made under the preceding provisions of this section for the revocation of any provision in a resort development plan shall be published in the *Gazette* and shall come into operation upon the date of such publication, or on such later date as may be specified in the determination.

General provisions as to contents of resort development plan.

71. (1) Any resort development plan for any national holiday resort may contain such provisions as may be necessary or expedient for regulating or prohibiting the use or development of land in that resort.

Cap. 269.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), a resort development plan for any national holiday resort may make provision in respect of all or any of the matters specified in the First Schedule to the Town and Country Planning Ordinance.

Authority responsible for execution of resort development plan.

72. The authority responsible for the execution of any resort development plan for any national holiday resort shall be the Board.

Permits for execution, alteration, &c., of structures, and for execution of works in connection with roads, and offences.

73. (1) On or after the date on which any resort development plan comes into operation for any national holiday resort, no person shall, if provision is included in that plan in respect of land contiguous to that resort,—

(a) erect, re-erect, alter or repair any structure in or upon such land; or

(b) lay out, construct, widen, extend, or close, or attempt to lay out, construct, widen, extend, or close, any road in or upon such land,

except under the authority of a permit issued by the Resort Authority.

(2) A permit in respect of any land referred to in sub-section (1) shall be granted by the Resort Authority under that sub-section unless the Authority is satisfied that the work to be executed under the authority of the permit will be inconsistent with or in contravention of any provision in the resort development plan for the time being in operation and applicable to such area or of any provision of any other enactment relating to the execution of such work which may be applicable in the case of such land.

(3) Any person who is aggrieved by the refusal of the Resort Authority to grant a permit under this section may, subject to regulations made under this Act, appeal to the Minister against such refusal and the decision of the Minister upon any such appeal shall be final and conclusive.

(4) Where any resort development plan for the time being in operation for any national holiday resort includes any provision in respect of land contiguous to that resort, any person who does any act or thing to, in or upon such land in contravention of that provision shall be guilty of an offence under this Act, and shall be liable on conviction to a fine not exceeding two hundred and fifty rupees, and in the case of a continuing offence to an additional fine not exceeding fifty rupees for every day during which such contravention is continued after such conviction, or after service of a written notice from the Chairman of the Resort Authority for that resort directing attention to such contravention.

PART III

PROTECTION OF HIGHWAYS AND PLACES OF SCENIC BEAUTY AND CONTROL OF JUNK YARDS

74. (1) Regulations may be made under this Act, prescribing a Code comprising such provisions as may appear to the authority competent to make such regulations necessary and proper for the purposes of the promotion of the safety and recreational value of public travel, and of the preservation of natural and scenic beauty.

Code for the
protection of
highways, &c.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), regulations made under this Act prescribing the Code referred to in that sub-section may make provisions in respect of all or any of the matters for the time being specified in the Third Schedule, and for all other matters connected therewith or incidental thereto.

75. (1) No Crown land situated within any area declared to be a scenic reserve under the Code referred to in section 74 (1) shall be alienated under the provisions of any written law, except with the prior approval given in writing by the Minister.

Crown land
within any
area declared
to be a scenic
reserve not to
be alienated
without the
prior approval
of the Minister.

(2) Any such alienation of Crown land in breach of the provisions of sub-section (1) shall, for all purposes, be null and void.

Provisions
regarding
prescription
not to apply
in certain
cases.
Cap. 68.

76. Neither the provisions of the Prescription Ordinance nor those of any other law relating to the acquisition of rights by virtue of ownership, possession or user, shall apply in respect of advertisements, buildings, structures, alterations or junk yards erected, displayed or maintained in contravention of the provisions of the Code referred to in section 74 (1), and no person shall be entitled to any exclusive rights of ownership, possession or user in respect of any advertisement, building, structure, alteration or junk yard erected, displayed, or maintained on any road or reserve or other place in contravention of such provisions, either before or on or after the appointed date.

PART IV

REGULATION, SUPERVISION, CLASSIFICATION, INSPECTION AND CONTROL OF THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF TOURIST SERVICES

CHAPTER I

Tourist Services

Tourist Hotels
Code.

77. (1) Regulations may be made under this Act prescribing a Code comprising such provisions as may appear to the authority empowered to make such regulations necessary and proper for the purposes of the regulation, supervision, classification, inspection and control of the establishment, maintenance and operation of tourist services, consisting of tourist hotels (in this Act referred to as the "Tourist Hotels Code").

(2) Without prejudice to the generality of the powers conferred by sub-section (1), regulations made under this Act prescribing the Tourist Hotels Code may make provisions in respect of all or any of such matters for the time being specified in the Fourth Schedule as may be necessary or appropriate for the purposes referred to in sub-section (1).

Travel Agents'
Code.

78. (1) Regulations may be made under this Act prescribing a Code comprising such provisions as may appear to the authority empowered to make regulations necessary and proper for the purposes of the regulation, supervision, classification, inspection and control of the establishment, maintenance and operation of tourist services, consisting of travel agents (in this Act referred to as the "Travel Agents' Code").

(2) Without prejudice to the generality of the powers conferred by sub-section (1), regulations made under this Act prescribing the Travel Agents' Code may make provisions in respect of all or any of such matters for the time being specified in the Fifth Schedule as may be necessary or appropriate for the purposes referred to in sub-section (1).

79. (1) Regulations may be made under this Act prescribing a Code comprising such provisions as may appear to the authority empowered to make such regulations necessary and proper for the purposes of the regulation, supervision, classification, inspection and control of the establishment, maintenance and operation of tourist services, consisting of tourist guide lecturers (in this Act referred to as the "Tourist Guide Lecturers' Code").

Tourist Guide
Lecturers'
Code.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), regulations made under this Act prescribing the Tourist Guide Lecturers' Code may make provisions in respect of all or any of such matters for the time being specified in the Sixth Schedule as may be necessary or appropriate for the purposes referred to in sub-section (1).

80. (1) Regulations may be made under this Act prescribing a Code comprising such provisions as may appear to the authority empowered to make such regulations necessary and proper for the purposes of the regulation, supervision, classification, inspection and control of the establishment, maintenance and operation of specified tourist services (in this Act referred to as the "Specified Tourist Services Code").

Specified
Tourist
Services Code.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), regulations made under this Act prescribing the Specified Tourist Services Code may make provisions in respect of all or any of such matters for the time being specified in the Seventh Schedule as may be necessary or appropriate for the purposes referred to in sub-section (1).

81. (1) The Minister may, on the recommendation of the Board, by Order published in the *Gazette*, declare that the provisions of the Specified Tourist Services Code shall apply to any such tourist service of any such class or description as shall be specified

Specified
tourist services.

in the Order, not being a tourist service consisting of tourist hotels, travel agents or tourist guide lecturers (in this Act referred to as a "specified tourist service").

(2) Every Order made by the Minister under sub-section (1) shall come into force on the date of its publication in the *Gazette*, or on such later date as may be specified therein.

(3) For so long, and so long only, as an Order under this section is in force in respect of any tourist service, the provisions of the Specified Tourist Services Code shall apply to, and in relation to, such service.

Different
Codes may
make different
provisions.

82. Different Codes may make different provisions in respect of the different descriptions of tourist services to which such Codes apply.

CHAPTER II

Control of Prices, Fees, Rates and Charges in respect of Tourist Services

Order by
Chairman
fixing maximum
prices, &c.,
in respect of
tourist
services.

83. (1) The Chairman of the Board may, where it appears to him to be expedient so to do, after consultation with any other price control authority constituted under any other written law, by Order fix the maximum prices, rates, fees or charges that may be imposed, levied, demanded or recovered by any tourist service. Such Order is in this Act referred to as a "price control Order".

(2) Any price control Order—

(a) may be made operative to all tourist services throughout Ceylon, or may be limited in its operation to tourist services in any such place or area in Ceylon as may be specified in the Order;

(b) may be limited in its application to any such description of tourist services as may be so specified;

(c) may fix different maximum prices, rates, fees or charges in respect of tourist services of different descriptions or different classes of tourist services of the same description; and

- (d) may prescribe the conditions subject to which such prices, rates, fees or charges may be imposed, levied, demanded or recovered by any such services, including conditions as to quality and standards of the amenities or facilities afforded by any such services.

(3) (a) Without prejudice to the generality of the powers conferred by the preceding provisions of this section, the Chairman of the Board shall, in making any price control Order, primarily have regard to the necessity of ensuring that any description of tourist services of any one class shall be entitled to impose, levy, demand or recover higher maximum prices, rates, fees or charges than any other lower class of tourist services of the same description.

(b) For the purposes of this Chapter, the term "class", in relation to any tourist service of any description, means the classification allotted or given to that tourist service in the register maintained for the purposes under the provisions for the time being of any Code applicable in the case of such tourist service.

(4) Every price control Order shall come into operation when such Order is made and signed by the Chairman of the Board.

(5) After any price control Order has been signed by the Chairman of the Board, public notice thereof shall forthwith be given—

- (a) by publication of such Order in the *Gazette*;
(b) in such manner as may be prescribed by regulations made for the purpose under this Act.

(6) Every price control Order shall, as soon as may be after the date on which it comes into operation, be placed before the Minister for his consideration, and the Minister may thereupon approve or rescind the Order.

(7) Where any price control Order is rescinded by the Minister under sub-section (6), notice of such rescission shall be published in the *Gazette*, and the Order shall be deemed to be rescinded with effect from the date of such publication, but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder.

(8) Where any price control Order has been approved by the Minister, notification of such approval shall be published in the *Gazette*.

Revocation of
price control
Order.

84. (1) Notwithstanding that a price control Order in respect of any tourist service has been approved by the Minister, that Order may at any time be revoked by the Chairman of the Board—

(a) by a new price control Order in respect of that tourist service; or

(b) by an Order published in the *Gazette*.

Every Order under paragraph (b) of this sub-section shall take effect on the date of the publication thereof in the *Gazette* or on such later date as may be specified therein; and nothing in sub-sections (6), (7) and (8) of section 83 shall apply in the case of any such Order.

(2) The rescission by the Minister or the revocation by the Chairman of the Board of any price control Order in respect of any tourist service shall not be deemed to prejudice or affect the power of the Chairman to make a new price control Order in respect of that tourist service.

Duty of
proprietor or
manager of
tourist services
to maintain
register of
prices.

85. Where any price control Order is for the time being in operation, the proprietor or manager of every tourist service to which that Order relates shall—

(a) maintain, or cause to be maintained, a register of prices, rates, fees or charges levied in respect of each of the services provided by such proprietor or manager and referred to in the Order;

(b) make, or cause to be made, such register available for inspection by the Chairman of the Board or any person authorized in writing in that behalf by the Chairman; and

(c) exhibit, in a conspicuous place and in such manner as may be directed by the Chairman, a list of the maximum prices, rates, fees or charges referred to in that Order.

Power to make
regulations for
the purposes of
this Chapter.

86. (1) Regulations may be made under this Act for the purpose of carrying out or giving effect to the principles and provisions of this Chapter.

(2) In particular, but without prejudice to the generality of the powers conferred by sub-section (1), regulations may be made under this Act for or in respect of all or any of the following matters:—

- (a) the returns and information to be furnished for the purposes of this Chapter;
- (b) the appointment, constitution and functions of a general advisory body and one or more local advisory bodies for the purpose of advising the Chairman of the Board on the exercise, discharge and performance of his powers, functions and duties under this Chapter;
- (c) the power to summon and examine witnesses or informants, to administer oaths, to require the production of, or to impound, documents, and to search and inspect premises;
- (d) the modes, other than the modes prescribed in section 83 (5), in which public notice may be given of price control Orders; and
- (e) any other matters incidental or consequential to any of the matters aforesaid, or which may be necessary for the purpose of securing compliance with any price control Order.

87. Any person who acts in contravention of any provision of this Chapter or of any price control Order shall be guilty of an offence under this Act, and shall be liable on conviction, in addition to any other penalty that may be imposed on him for that offence, to a fine not exceeding two thousand rupees, or to imprisonment of either description for a term not exceeding three months, or to both such fine and imprisonment.

Offences against this Chapter or price control Orders.

PART V

GENERAL

88. Any subsidiary written law made under this Act shall, on its coming into force or operation, be deemed to be as valid and effectual as if it were herein enacted.

Effect of subsidiary written law.

89. The exercise, discharge or performance of any power, function or duty conferred or imposed on the Board by this Act or any other enactment or by any subsidiary written law, shall be deemed to have been,

Special provisions relating to the Board.

and to be, one of the objects for which the Board was constituted under the principal Act, and the provisions of that Act shall be read and construed accordingly.

Power of Board
to enter into
contracts, &c.

90. (1) For the purpose of the exercise, discharge or performance of its powers, functions or duties under this Act, or any other enactment (other than the principal Act), the Board may enter into and perform all such contracts as may be necessary for that purpose.

(2) For any purpose referred to in sub-section (1), the Board may establish its own branches or agencies or make contracts or other arrangements for such purposes with Government departments, local authorities, or other persons (whether in or outside Ceylon).

Power of
Minister to
make Orders.

91. (1) For the purpose of enabling the Board or any Resort Authority to effectively exercise or discharge or perform its powers, functions or duties under this Act, or any other enactment, the Minister may, by Order published in the *Gazette*, issue all such directions as may be necessary with a view to providing for any unforeseen or special circumstances, or to determine or adjust any question or matter for the determination or adjustment of which no provision or no effective provision is made by this Act, or such other enactment.

(2) Within a period of fifty days after the publication in the *Gazette* of any Order made by the Minister under sub-section (1) the House of Representatives may by resolution revoke such Order, and in the computation of such period of fifty days no account shall be taken of any period during which Parliament is prorogued or dissolved. Such revocation shall be without prejudice to anything previously done thereunder.

Rent Restriction
Act not to
apply within
national holiday
resorts or land
alienated for
the purpose
of tourist
development
projects.
Cap. 274.

92. The Rent Restriction Act shall not apply within any national holiday resort, and in or in relation to land alienated for tourist development projects under Part I of this Act or any building standing in or upon such land, and accordingly the provisions of that Act shall be read and construed subject to the provisions of this section.

Exemption of
Resort Authority
from
income tax.

93. Any Resort Authority shall be exempt from the payment of any tax on the income or profits made by such Authority.

94. (1) No suit or prosecution shall lie against any member of the Board or any Resort Authority or any advisory body or against any officer, servant or agent of the Board or such Authority or such body for any act which in good faith is done or purports to be done by him under this Act or any subsidiary written law made thereunder, or on the direction of the Board or any such Authority or body.

Protection for action taken &c., on the direction of the Board or any Resort Authority or any advisory body.

(2) Any expense incurred by the Board or any Resort Authority in any suit or prosecution brought by or against the Board or any such Authority before any court shall be paid out of the Fund of the Board or any such Authority, as the case may be, and any costs paid to, or recovered by, the Board or any such Authority in any such suit or prosecution shall be credited to the appropriate Fund.

(3) Any expense incurred by any such person as is referred to in sub-section (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purports to be done by him under this Act, or any subsidiary written law made thereunder, or on the direction of the Board or any Resort Authority or any advisory body, shall, if the court holds that the act was done in good faith, be paid out of the appropriate Fund.

(4) For the purposes of this section, the expression "appropriate Fund"—

(a) in relation to the Board or any advisory body or any member, officer, servant or agent of the Board or such body, means the Fund of the Board;

(b) in relation to any Resort Authority, or any member, officer, servant or agent of such Authority, means the fund of that Authority.

95. No writ against person or property shall issue against a member of the Board or any advisory body or of any Resort Authority in any action brought against the Board or such body or Authority, as the case may be.

No writ to issue against person or property of a member of the Board or any Resort Authority or advisory body.

96. (1) The Board may, with the concurrence of the Minister, make regulations to give effect to the principles and provisions of this Act.

Regulations.

(2) In particular, but without prejudice to the generality of the powers conferred by sub-section (1), the Board may, with the concurrence of the Minister, make regulations in respect of all or any of the following matters:—

- (a) any matter in regard to which regulations are authorized or required by this Act to be made;
- (b) the amendment, revocation or replacement of any of the provisions of any Schedule or of any Code;
- (c) the mode and manner of payment for facilities or services rendered by persons operating or providing tourist services;
- (d) the appointment, constitution and functions of a general advisory body for the purpose of advising the Board, the Chairman thereof or the competent authority on the exercise, discharge and performance of its or his powers, functions or duties under this Act or any Code;
- (e) the appointment, constitution and functions of one or more local advisory bodies consisting of members of local authorities or other persons for the purpose of advising Resort Authorities on the exercise, discharge and performance of its powers, duties or functions under this Act or any Code; and
- (f) all other matters connected with or incidental to the matters aforesaid.

(3) Without prejudice to the generality of the powers conferred by sub-section (1), the Board may, with the concurrence of the Minister, make regulations in respect of all or any of the following matters:—

- (a) the reference of every dispute as may have arisen between a claimant to compensation under any Code and any other person or authority for decision to any arbitrator or arbitrators;
- (b) the manner in which the arbitrator or arbitrators shall be nominated, the procedure to be followed by the arbitrator or arbitrators in entertaining, hearing and disposing of such references and the awarding of costs on such references;

- (c) the conferment on the arbitrator or arbitrators of all the powers of a District Court to summon and compel the attendance of witnesses, to compel the production of documents, and to administer any oath or affirmation to witnesses;
- (d) the mode and manner of the enforcement of the decision of the arbitrator or arbitrators;
- (e) the finality and conclusiveness of the decision of the arbitrator or arbitrators; and
- (f) all other matters connected with or incidental to the matters aforesaid.

(4) Without prejudice to the generality of the powers conferred by sub-section (1), the Board may, with the concurrence of the Minister, make regulations in respect of all or any of the following matters:—

- (a) the constitution of a Tribunal to which appeals may be preferred under any Code, and the mode and manner of the appointment of the member or members of such Tribunal;
- (b) the procedure to be followed by the Tribunal in entertaining, hearing and deciding such appeals, and the awarding of costs on such appeals;
- (c) the conferment on the Tribunal of all the powers of a District Court to summon and compel the attendance of witnesses, to compel the production of documents, and to administer any oath or affirmation to witnesses;
- (d) the mode and manner of the enforcement of the decisions on such appeals;
- (e) the finality and conclusiveness of such decisions; and
- (f) all other matters connected with or incidental to the matters aforesaid.

(5) Every regulation made by the Board, with the concurrence of the Minister, shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(6) Every regulation made by the Board, with the concurrence of the Minister, shall, as soon as convenient after its publication in the *Gazette*, be brought

before the Senate and the House of Representatives for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder. Notification of the date on which a regulation is deemed to be rescinded shall be published in the *Gazette*.

(7) The provisions of sub-section (5) shall in its application in the case of any regulation made by the Board in respect of any of the matters referred to in sub-sections (1) and (2) of section 56 have effect subject to the provisions of sub-sections (3) and (4) of that section; and the provisions of sub-section (6) of this section shall not apply to any such regulation.

Delegation of powers, &c., by the competent authority.

97. The competent authority may delegate in writing to the Board or any member or officer of the Board, or to any Resort Authority, any of his powers, functions or duties under this Act or any subsidiary written law made or issued thereunder.

Protection of public interests.

98. It is hereby declared that nothing in this Act or any Code is to be treated as conferring on any person who carries on any tourist service which is registered or licensed under such Code any right to the continuance of any benefits arising from the provisions of this Act or such Code, or from such registration or licensing, or from any conditions attached thereto.

Offences.

99. (1) Every person who contravenes or fails to comply with any provision of this Act, or of any subsidiary written law made or issued thereunder, shall—

(a) if such contravention is not made an offence by any other provision of this Act or such law, be guilty of an offence under this Act; and

(b) if no other punishment is expressly provided for such offence by any other provision of this Act or such law, be liable on conviction to a fine not exceeding two hundred rupees, and, if such offence is a continuing offence, to an additional fine of fifty rupees for each day on which the offence is continued after conviction, or after written notice of such contravention is served on such person by the competent authority.

(2) Every offence under this Act shall be summarily triable by a Magistrate's Court.

(3) No prosecution for an offence under this Act shall be instituted in any court except with the written sanction of the Board.

100. Where an offence under this Act is committed by a body of persons, then,—

Offences by
bodies of
persons.

(a) if that body of persons is a body corporate, every director and officer of that body corporate; or

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence:

Provided, however, that a director or an officer of such body corporate, or a partner of such firm, shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

101. (1) Any offence under this Act may, if no prosecution for such offence is actually pending, be compounded by the competent authority on the payment by the accused of such sum of money as may be determined by such authority, or if a prosecution for such offence is actually pending, be so compounded by such authority with the consent of the Magistrate; but the Magistrate shall record his reasons for giving such consent.

Power to
compound
offences.

(2) The compounding of an offence under this section shall have the effect of an acquittal of the accused.

102. The provisions of this Act and of any subsidiary written law made or issued thereunder shall have effect notwithstanding anything in any other written law.

Effect of
other laws.

103. (1) In this Act, unless the context otherwise requires—

Interpretation.

“ alienation ”, with its grammatical variations and cognate expressions, means any transaction of whatever nature affecting land or the title

thereto, and includes any conveyance, transfer, grant, surrender, exchange, lease or mortgage of land;

Cap. 422.

“ approved credit agency ” means any commercial bank within the meaning of section 127 of the Monetary Law Act, and includes any other institution for the time being specified in the Eighth Schedule;

“ Board ” means the Ceylon Tourist Board established or constituted under the principal Act;

“ Code ” means any Code prescribed by regulations made under this Act;

“ competent authority ” means the Director-General of Tourism appointed for the purposes of the principal Act or, if there is no such Director-General, the Chairman of the Board;

“ Crown land ” means all land in Ceylon to which the Crown is lawfully entitled or which may be disposed of by the Crown, and includes all rights and privileges attached or appertaining to such land;

“ foreshore ” means the shore of the Island of Ceylon between the high water mark and the low water mark;

“ instrument of alienation ” means any instrument or document whereby any alienation of land is effected and includes a grant, lease, permit or licence relating to land;

Cap. 454.

“ lake ” means a lake as defined in section 70 of the Crown Lands Ordinance and includes any tank declared under section 71 of that Ordinance;

“ land ” includes—

(a) any interest in land;

(b) the bed of any lake or stream;

(c) things attached to the earth or permanently fastened to anything attached to the earth;

(d) any resthouse;

“ local authority ” means any Municipal Council, Urban Council, Town Council or Village Council;

“ national holiday resort ” means, subject to the provisions of sub-section (2), any area declared to be a national holiday resort under this Act;

“ principal Act ” means the Ceylon Tourist Board Act, No. 10 of 1966;

“ relevant Order in Council ” means the Ceylon (Constitution) Order in Council, 1946;

“ Resort Authority ” means a Resort Authority established or constituted under this Act;

“ resort development plan ” means a resort development plan prepared for a national holiday resort under this Act, and for the time being in operation;

“ resthouse ” means a public resthouse, and includes any land appertaining to any resthouse, and any *ambalama*, *maddum* or any public building for the shelter of travellers;

“ Schedule ” means a Schedule to this Act;

“ subsidiary written law ” includes all Orders, rules, by-laws, regulations, Codes, directions and any other instrument by whatsoever name or designation called, made or issued under any enactment including this Act;

“ timber ”, in relation to any land, has the same meaning as in the Forest Ordinance;

Cap. 451.

“ tourist ” has the same meaning as in the principal Act;

“ tourist development project ” means the execution or carrying out of any tourist development purpose;

“ tourist development purpose ” means any service declared to be a tourist service by Order made under section 48 of the principal Act;

“ tourist guide lecturer ” has the same meaning as in the Order for the time being in operation under section 48 of the principal Act, declaring a tourist guide to be a tourist service for the purpose of that Act;

“ tourist hotel ” has the same meaning as in the Order for the time being in operation under section 48 of the principal Act, declaring any tourist hotel to be a tourist service for the purpose of that Act;

“ tourist service ” has the same meaning as in the principal Act;

“ travel agent ” has the same meaning as in the Order for the time being in operation under section 48 of the principal Act, declaring a travel agent to be a tourist service for the purpose of that Act;

Cap. 454.

“ vest ”, in relation to any Crown land, means to vest by way of special grant or lease under the Crown Lands Ordinance, read with section 3 of this Act or by vesting Order under section 4, and its grammatical variations or cognate expressions shall be construed accordingly.

(2) The expression “ national holiday resort ”, in any context relating to a resort development plan, shall, if such plan includes provision in respect of land contiguous to such resort, be deemed to include such land.

PART VI

SPECIAL PROVISIONS RELATING TO CERTAIN MATTERS

Application of
the Guides
Ordinance.

Cap. 273.

104. On and after the appointed date—

(a) the Guides Ordinance and any by-laws, licences and any other instruments made or issued under that Ordinance and in force on the day immediately prior to that date shall have effect subject to the following modifications, namely, as though references in that Ordinance or by-laws or licences or other instruments to the authority, officer or person (other than the Minister) were references to the competent authority, and all references to the Minister were references to the Minister to whom the subject or function of tourism has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council;

- (b) such by-laws, licences or other instruments shall be deemed to be by-laws, licences or other instruments made or issued under this Act as modified by paragraph (a) of this section.

105. (1) The provisions of Part I of this Act shall be deemed for all purposes to have come into force on the date of the coming into operation of the principal Act.

Special provisions in respect of certain past acquisitions, alienations, &c., of land.

(2) Any acquisition of any land under the Land Acquisition Act prior to the appointed date shall be deemed for all purposes to have been made under that Act read with Part I of this Act.

Cap. 460.

(3) Any alienation of any land, being land referred to in sub-section (1), by the Board prior to the appointed date shall be deemed, for all purposes, to have been alienated by the Board under Part I of this Act.

(4) Any special grant or lease of Crown land made to the Board under section 6 of the Crown Lands Ordinance prior to the appointed date shall be deemed, for all purposes, to have been made under the provisions of that Ordinance read with Part I of this Act.

Cap. 454.

106. The principal Act is hereby amended as follows:—

Amendment of the principal Act.

- (1) in section 22 thereof by the substitution, for sub-sections (1) and (2) of that section, of the following new sub-sections:—

‘ (1) The accounts of the Board shall be audited annually by a qualified auditor (hereinafter referred to as “the auditor”) appointed by the Minister on the advice of the Auditor-General. The auditor shall receive such remuneration from the Fund of the Board as the Minister may determine with the concurrence of the Minister of Finance.

(2) The Auditor-General shall have the power—

- (a) to direct the manner in which the Board’s accounts shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor;

(b) to conduct a supplementary or additional audit of the Board's accounts by such person or persons as the Auditor-General may authorize in that behalf, and for the purpose of such audit, to require information or additional information to be furnished to any person so authorized, on such matters, by such person or persons, and in such form, as the Auditor-General may, by special order, direct.';

(2) by the repeal of section 23 of that Act and the substitution therefor of the following new section:—

" Auditor's
report.

23. (1) The auditor shall examine the accounts of the Board and furnish a report stating—

(a) whether he has or has not obtained all the information and explanations required by him;

(b) whether the balance sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board.

(2) The auditor shall submit a copy of his audit report to the Auditor-General who shall have the right to comment upon, or supplement, the auditor's report in such manner as the Auditor-General may think fit.

(3) The Auditor-General shall transmit the audit report, together with his comments upon, or supplement to, such report to the Board. ";

(3) by the insertion, immediately after section 23, of the following new section which shall have effect as section 23A, of that Act:—

" Powers of the
Auditor-General
and the auditor.

23A. The Auditor-General and the auditor shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board as the Auditor-General may consider necessary for the purpose of the

audit and shall be furnished by the members or officers of the Board with such information within their knowledge as may be required for such purpose. ”;

- (4) in section 24 of that Act by the substitution, for the words “ the report relates, and ”, of the words “ the report relates, together with the Auditor-General’s comments (if any) upon, and his supplements (if any) to, the auditor’s report, and ”; and
- (5) by the insertion in Part III of that Act, immediately after section 25, of the following new section which shall have effect as section 25A of that Act:—

“ Exemption
from income
tax.

25A. Notwithstanding anything in any other written law, the Board shall be exempt from the payment of income tax upon the profits and income of the Board.”.

FIRST SCHEDULE

[Section 56]

LIST OF ENACTMENTS AND SUBSIDIARY WRITTEN LAW

Animals Act, No. 29 of 1958
Antiquities Ordinance (Chapter 188)
Anuradhapura Preservation Board Act, No. 32 of 1961
Auctioneers and Brokers Ordinance (Chapter 109)
Boats Ordinance (Chapter 198)
Butchers Ordinance (Chapter 272)
Cemeteries and Burial Grounds Ordinance (Chapter 231)
Crown Landmarks Ordinance (Chapter 456)
Dog Registration Ordinance (Chapter 477)
Electricity Act (Chapter 205)
Entertainment Tax Ordinance (Chapter 267)
Excise Ordinance (Chapter 52)
Fauna and Flora Protection Ordinance (Chapter 469)
Flood Protection Ordinance (Chapter 449)
Forest Ordinance (Chapter 451)
Hotel Keepers Ordinance (Chapter 36)
Hotel Keepers’ Liability Ordinance (Chapter 74)

Housing and Town Improvement Ordinance (Chapter 268)
 Land Development Ordinance (Chapter 463)
 Lands Resumption Ordinance (Chapter 455)
 Mines, Quarries and Minerals Ordinance (Chapter 210)
 Municipal Councils Ordinance (Chapter 252)
 Nuisances Ordinance (Chapter 230)
 Pilgrimages Ordinance (Chapter 175)
 Public Performances Ordinance (Chapter 176)
 Rabies Ordinance (Chapter 476)
 Resthouses Act (Chapter 275)
 Street Collections Regulation Ordinance (Chapter 478)
 Suburban Dairies and Laundries Ordinance (Chapter 233)
 Thoroughfares Ordinance (Chapter 193)
 Tolls Ordinance (Chapter 197)
 Town Councils Ordinance (Chapter 256)
 Town and Country Planning Ordinance (Chapter 269)
 Urban Councils Ordinance (Chapter 255)
 Vehicles Ordinance (Chapter 202)
 Village Councils Ordinance (Chapter 257)
 Subsidiary written law enacted under any of the aforesaid enactments.

[Section 57]

SECOND SCHEDULE

PROVISIONS APPLICABLE TO AND IN RELATION TO RESORT AUTHORITIES

1. A Resort Authority shall consist of one member appointed by the Board.
2. A person shall be disqualified for appointment or for continuing as a Resort Authority if he is a Senator or a Member of Parliament or any member of a local authority.
3. Where a person who is a Resort Authority is, by reason of illness or other infirmity or absence from Ceylon, unable temporarily to perform the duties of his office, then, the Board may appoint any person to act in his place.
4. A person who is a Resort Authority shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of three years.
5. A person who is a Resort Authority and who vacates office by effluxion of time shall be eligible for reappointment.
6. A person who is a Resort Authority may resign from office by letter addressed by him to the Board.
7. No act or proceeding of a Resort Authority shall be invalid by reason only of any defect in the appointment of the person who is such Authority.
8. A person who is a Resort Authority may be removed from office by the Board without assigning any reason and his removal from office by the Board shall not be called in question in any court.

9. Any person who is a Resort Authority may be paid such remuneration out of the funds of the Resort Authority and in such manner and at such rates as may be determined by the Board.

10. A Resort Authority shall, by the name assigned to it under this Act, be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and shall, subject to the approval of the Board, be capable of acquiring, holding or alienating property movable or immovable.

11. Subject to the other provisions of this Act, and to such special or general directions as may be issued from time to time by the Board, a Resort Authority may—

- (1) appoint, dismiss and exercise disciplinary control over all its officers and servants;
- (2) fix the wages, salaries or remuneration of such officers and servants;
- (3) determine the terms and conditions of service of all its officers and servants;
- (4) establish and regulate provident funds or schemes for the benefit of its staff, and make contributions to any such fund or scheme:

Provided that the Resort Authority shall not, under the preceding provisions of this section, appoint any officer whose annual emoluments in the aggregate exceed four thousand rupees, without the prior approval of the Board.

12. (1) A Resort Authority shall have its own Fund, and all moneys received by the Resort Authority shall be payable into such Fund and placed to the credit of an account bearing the name of that Fund at a bank approved by the Board.

(2) There shall be paid into the Fund of the Resort Authority for any national holiday resort—

- (a) all such sums of money as may be voted by Parliament for the purpose of the development of such national holiday resort;
- (b) all sums of money received by the Resort Authority in the carrying on of its business or the exercise, discharge and performance of its powers, functions and duties under this Act or under any written law;
- (c) all revenue derived by the alienation of any property situated within the holiday resort;
- (d) all sums of money made over by the Board for the development of such holiday resort.

(3) There shall be paid out of the Fund of the Resort Authority for any national holiday resort—

- (a) all sums of money required for development;

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- (b) any expenditure incurred by the Authority in the carrying on of its business or in the exercise, discharge and performance of its powers, functions and duties under this Act, or under any other written law;
- (c) all sums of money payable by the Resort Authority in respect of any liability under the Workmen's Compensation Ordinance;
- (d) all sums payable by the Resort Authority, from time to time, as premia for the insurance of any property belonging to or vested in the Board and situated in such resort, or for insurance against any liability that may be incurred by the Resort Authority under the Workmen's Compensation Ordinance;
- (e) all sums which the Resort Authority may decide to award by way of *ex gratia* payments to any persons or the dependants of any persons (other than servants of that Resort Authority) who receive injuries or sustain any other damage or are killed in circumstances which, being due to an accident or to a defect in any machinery, plant or equipment used by the Resort Authority or to the unauthorized or unlawful interference of a third party, are only indirectly attributable to the exercise of any of the powers vested in the Resort Authority or its officers or servants by or under this Act;
- (f) all sums received by the Resort Authority which that Authority is authorized or required by any written law to refund to the persons by whom they were paid;
- (g) such expenses not exceeding in the aggregate two hundred and fifty rupees in any year as may be incurred by the Resort Authority in connection with civic receptions or the celebration or observance of any event or occasion of public interest, and such contributions not exceeding in the aggregate two hundred and fifty rupees in any year as may be voted by that Resort Authority towards the cost of public ceremonies;
- (h) all contributions voted by the Resort Authority towards the cost of public recreations or entertainments or towards the support of any library or any educational, cultural, scientific, charitable or benevolent institution;
- (i) all sums voted by the Resort Authority to meet the travelling expenses of the member constituting that Authority or Officers of that Authority attending any meeting or conference for promoting the interests of that Authority.

13. (1) A Resort Authority shall cause its accounts to be kept in such form and manner as may be directed by the Board.

(2) The provisions of sections 22, 23, 23A and 24 of the principal Act, as amended by this Act, shall apply to the accounts of every Resort Authority as if the references in those sections to the Board were references to a Resort Authority.

(3) All cheques or orders for payment of moneys by a Resort Authority shall be signed and issued in such manner as may be determined by the Board.

THIRD SCHEDULE

[Section 74]

MATTERS IN RESPECT OF WHICH PROVISION MAY BE MADE IN THE CODE FOR THE PROTECTION OF HIGHWAYS AND PLACES OF SCENIC BEAUTY AND THE CONTROL OF JUNK YARDS.

1. The declaration by the Minister by Order, on the advice of the Board and with the concurrence of the Minister to whom the subject or function of thoroughfares has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council, that any such highway or part thereof as may be specified in the Order shall be a protected highway for the purposes of this Act in order to promote the safety and recreational value of public travel and to preserve natural and scenic beauty (in this Schedule referred to as a "protected highway").

2. The declaration by the competent authority, by general or special order, that any advertisement, not being a prohibited advertisement, which is erected or displayed within such distance from the centre of any protected highway as may be specified in the order and is visible from such highway, shall conform to such requirements as shall be so specified (any advertisement to which such order applies is in this Schedule referred to as a "controlled advertisement").

3. The prohibition of the erection or display of any prohibited advertisement, being an advertisement which is visible from any protected highway, within such distance from the centre of such highway as may be specified in the order.

4. The declaration by the Minister by Order, on the advice of the Board, that any such area as may be specified in the Order shall be a scenic reserve for the purposes of this Act in order to promote the safety and recreational value of public travel and to preserve natural and scenic beauty (in this Schedule referred to as a "scenic reserve").

A requirement that no such Order is made without the concurrence of the Minister to whom the subject or function of local government, and the Minister to whom the subject or function of lands, has been assigned by the Prime Minister under section 46 (4) of the relevant Order in Council.

5. The making by the Minister from time to time of Orders containing provisions to the following effect in respect of scenic reserves:—

- (a) the prohibition of the erection or display of any advertisement in any such reserve except in conformity with the requirements or provisions of any such Order;
- (b) the prohibition of the erection or alteration of any building or other structure in any such reserve, or the planting or felling of any trees or other foliage in any such reserve, except in accordance with the requirements of any such Order; and
- (c) the mode, manner and time within or in which any unsightly structure or object in any such reserve shall be screened from view.

6. (1) Empowering the Minister on the advice of the Board, if he is satisfied that it is necessary to do so, in order to promote the safety and recreational value of public travel and to preserve natural beauty, by general or special Order, to direct that any junk

yard situated in any such area as may be specified in the Order and is visible from any highway—

(a) shall be screened by natural objects, plantings, fences or other means so as not to be visible from such highway; or

(b) shall not be used thereafter; or

(c) shall be closed or filled up.

(2) Empowering the competent authority from time to time to issue directions to the owners or occupiers of lands in any area to which an Order under sub-paragraph (1) relates as to the mode and manner in which, and the time within which, the provisions of that Order shall be complied with.

7. The publication of orders, directions or notices in the *Gazette* and in such other manner as is best calculated to give publicity thereto.

8. The mode and manner of the service of orders, directions or notices on persons affected thereby.

9. The making of breaches or contraventions of the provisions of the Code, or of any orders or directions or notices made or issued thereunder, offences under this Act, and the provision of penalties for such offences.

10. Such powers of entry and inspection of premises, and the doing of any such work, act or thing, in or upon any premises, as may be necessary for the purpose of enabling the competent authority to secure compliance with, or preventing breaches or contraventions of, the provisions of the Code, or any orders or directions or notices made or issued thereunder.

11. In this Schedule—

“advertisement” means any word, letter, model, sign, placard, board, notice, display, device or representation, whether illuminated or not, in the nature of, and employed wholly or in part for the purpose of, an advertisement, announcement or direction (excluding any such thing employed wholly as a memorial or as a railway signal), and includes any hoarding or similar structure used or adapted for the use or display of an advertisement;

“Code” means the Code for the protection of highways and places of scenic beauty and the control of junk yards;

“automobile graveyard” shall mean any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts;

“highway” means any road or thoroughfares to which the Thoroughfares Ordinance applies, and includes a railroad;

“junk” shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubbish, debris, wood waste, sawn or unsawn timber or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous material;

“junk yard” means an establishment, place of business or other place which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage and refuse dumps, sanitary fills, cesspools, abandoned quarries and lime pits;

“prohibited advertisement” means every advertisement, other than—

(a) directional and official signs and notices, which signs and notices shall include, but shall not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions which are required or authorized by law;

(b) advertisements which advertise the sale or lease of property upon which they are located;

(c) advertisements which advertise activities conducted on the property on which they are located;

(d) advertisements displaying the name of the property on which they are located or the name of the proprietor or person in possession or occupation thereof.

FOURTH SCHEDULE

[Section 77]

MATTERS IN RESPECT OF WHICH PROVISION MAY BE MADE IN THE TOURIST HOTELS CODE

1. The regulation, supervision, classification, inspection and control of the establishment, maintenance and operation of tourist hotels.

2. The prohibition—

(a) of the erection, re-erection or alteration of buildings to be used or used as tourist hotels; or

(b) of the use or occupation of tourist hotels or any parts thereof for any purpose other than the business of such hotels,

except under the authority, and under and in accordance with the terms or conditions, of any permit issued by the competent authority.

3. The form and manner in which applications for such permits shall be made to such authority, and the documents and other information which shall accompany such applications.

4. The procedure to be followed by such authority in entertaining and disposing of applications for such permits, and the circumstances in which orders may be made by such authority granting or refusing such permits.

5. The prohibition of the use of premises for the purposes of carrying on the business of tourist hotels unless such premises are registered and licensed by the competent authority under the Code, the form and manner in which applications for such registration or licensing shall be made, and the procedure to be followed in entertaining and disposing of applications for such registration or licensing.

6. The fees to be paid for such registration or licensing, the circumstances in which orders may be made by the competent authority granting or refusing such registration or licensing, and the circumstances in which orders may be made by such authority suspending or cancelling such registration or licensing.

7. The conditions subject to which such registration or licensing may be granted, the form and manner in which such registration or licensing may be effected, the classification of tourist hotels for the purposes of such licensing, and the circumstances in which such classification may be altered or reviewed.

8. The duration of such registration or licensing.

9. The maintenance of registers and books for the purpose of the registration or licensing of tourist hotels, the symbols and designs that shall be exhibited in tourist hotels for the purpose of indicating to tourists the classification assigned to such hotels, and the display of lists of fees or charges which may be levied by tourist hotels under and in accordance with the provisions of any price control Order relating to such hotels.

10. The preferment of appeals to the Tribunal constituted for the purpose under this Act by persons aggrieved by orders made by the competent authority refusing any application made under the Code, or any orders made by such authority suspending or cancelling the registration or licensing of such hotels.

11. Such powers of entry and inspection of premises, the inspection of documents and books, the furnishing of returns or information, and the taking of copies of or extracts from books or documents, as may be necessary for the purpose of enabling the competent authority to dispose of any applications made under the Code, or for securing compliance with, or preventing breaches or contraventions of, the provisions of the Code.

12. The prohibition of the taking or assumption of any name, title or addition that a tourist hotel has been registered, classified and licensed under the Code unless it has been so registered, classified and licensed.

13. The books to be kept and maintained in respect of tourist hotels.

14. The making of breaches or contraventions of any provisions of the Code offences under this Act and the provision of penalties for such offences.

15. Providing that the procuring or attempting to procure tourist hotels to be registered or licensed under the Code by the making of any false or fraudulent representations shall be an offence under this Act and the penalties for such offence.

16. The mode and manner of the payment by tourists for services and facilities provided by tourist hotels, and the mode and manner of the acceptance of such payment by such hotels.

17. All other matters connected with or incidental to any of the matters aforesaid.

18. In this Schedule,—

“ alteration ”, in relation to any tourist hotel, means—

- (a) the construction of an internal wall or partition;
- (b) the alteration of the internal arrangement of such hotel which effects any change in the open space attached to such hotel, or its drainage, ventilation or sanitary arrangements; or
- (c) any change which has the effect of reducing the existing facilities, comforts or amenities of such hotel;

“ Code ” means the Tourist Hotels Code.

FIFTH SCHEDULE

[Section 19]

MATTERS IN RESPECT OF WHICH PROVISION MAY BE MADE IN THE TRAVEL AGENTS' CODE

1. The regulation, supervision, classification, inspection and control of the establishment, maintenance and operation of the business of a travel agent.

2. The prohibition of the carrying on of the business of a travel agent unless such business is registered and licensed by the competent authority, the form and manner in which any application for such registration or licensing shall be made, and the procedure to be followed in entertaining and disposing of such application.

3. The fees to be paid for such registration or licensing, the circumstances in which orders may be made by the competent authority granting or refusing such registration or licensing, and the circumstances in which orders may be made by such authority suspending or cancelling such registration or licensing.

4. The conditions subject to which such registration or licensing may be granted, the form and manner in which such registration or licensing may be effected, the classification of travel agents for the purposes of such registration, and the circumstances in which such classification may be altered or reviewed.

5. The duration of such registration or licensing.

6. The maintenance of registers and books for the purpose of the registration or licensing of travel agents, the display by travel agents in their principal place of business and in each branch office of their certificates of registration and their licences, and the lists of fees or charges which may be levied by such agents under and in accordance with the provisions of any price control Order relating to such agents.

7. The preferment of appeals to the Tribunal constituted for the purpose under this Act by persons aggrieved by orders made by the competent authority refusing any application made under the Code, or any orders made by such authority suspending or cancelling the registration or licensing of such agents.

8. Such powers of entry and inspection of premises, the inspection of documents and books, the furnishing of returns or information, and the taking of copies of or extracts from books or documents, as may be necessary for the purpose of enabling the competent authority to dispose of applications made under the Code, or for securing compliance with, or preventing breaches or contraventions of, the provisions of the Code.

9. The prohibition of the taking or assumption of any name, title or addition that any travel agent has been registered, classified and licensed under the Code unless his business has been so registered, classified and licensed.

10. The making of breaches or contraventions of any provisions of the Code offences under this Act, and the provision of penalties for such offences.

11. Providing that the procuring or attempting to procure travel agents to be registered or licensed under the Code by the making of any false or fraudulent representations shall be an offence under this Act and the penalties for such offence.

12. The mode and manner of the payment by tourists for services and facilities provided by travel agents, and the mode and manner of the acceptance of such payment by such agents.

13. The prohibition of the transfer by any travel agent of any licence issued to him under the Code, and the declaration that any such transfer shall be null and void.

14. All other matters connected with or incidental to any of the matters aforesaid.

15. In this Schedule, " Code " means the 'Travel Agents' Code.

[Section 79]

SIXTH SCHEDULE

MATTERS IN RESPECT OF WHICH PROVISION MAY BE MADE IN THE 'TOURIST GUIDE LECTURERS' CODE.

1. The regulation, supervision, classification, inspection and control of the establishment, maintenance and operation of the business of a tourist guide lecturer.

2. The prohibition of the carrying on of the business of a tourist guide lecturer unless such business is registered and licensed by the competent authority, the form and manner in which any application for such registration or licensing shall be made, and the procedure to be followed in entertaining and disposing of such application.

3. The fees to be paid for such registration or licensing; the circumstances in which orders may be made by the competent authority granting or refusing such registration or licensing, and the circumstances in which orders may be made by such authority suspending or cancelling such registration or licensing.

4. The conditions subject to which such registration or licensing may be granted, the form and manner in which such registration or licensing may be effected, the classification of tourist guide lecturers for the purposes of such registration, and the circumstances in which such classification may be altered or reviewed.

5. The duration of such registration or licensing.

6. The maintenance of registers and books for the purpose of the registration or licensing of tourist guide lecturers, the display by tourist guide lecturers in their principal place of business and in each branch office of their certificates of registration and their licences, and the lists of fees or charges which may be levied by such guide lecturers under and in accordance with the provisions of any price control Order relating to such guide lecturers.

7. The preferment of appeals to the Tribunal constituted for the purpose under this Act by persons aggrieved by orders made by the competent authority refusing any application made under the Code, or any orders made by such authority suspending or cancelling the registration or licensing of a tourist guide lecturer.

8. Such powers of entry and inspection of premises, the inspection of documents and books, the furnishing of returns or information, and the taking of copies of or extracts from books or documents, as may be necessary for the purpose of enabling the competent authority to dispose of applications made under the Code, or for securing compliance with, or preventing breaches or contraventions of, the provisions of the Code.

9. The prohibition of the taking or assumption of any name, title or addition that the business of any tourist guide lecturer has been registered, classified and licensed under the Code unless such business has been so registered, classified and licensed.

10. The making of breaches or contraventions of any provisions of the Code offences under this Act, and the provision of penalties for such offences.

11. Providing that the procuring or attempting to procure tourist guide lecturers to be registered or licensed under the Code by the making of any false or fraudulent representations shall be an offence under this Act and the penalties for such offence.

12. The mode and manner of the payment by tourists for services and facilities provided by tourist guide lecturers, and the mode and manner of the acceptance of such payment by such guide lecturers.

13. The prohibition of the transfer by any tourist guide lecturer of any licence issued to him under the Code, and the declaration that any such transfer shall be null and void.

14. All other matters connected with or incidental to any of the matters aforesaid.

15. In this Schedule, " Code " means the Tourist Guide Lecturers' Code.

[Section 80]

SEVENTH SCHEDULE

MATTERS IN RESPECT OF WHICH PROVISION MAY BE MADE IN THE SPECIFIED TOURIST SERVICES CODE

1. The regulation, supervision, classification, inspection and control of the establishment, maintenance and operation of the business of a specified tourist service.

2. The prohibition of the carrying on of the business of a specified tourist service unless such business is registered and licensed by the competent authority, the form and manner in which any application for such registration or licensing shall be made, and the procedure to be followed in entertaining and disposing of such application.

3. The fees to be paid for such registration or licensing, the circumstances in which orders may be made by the competent authority granting or refusing such registration or licensing, and the circumstances in which orders may be made by such authority suspending or cancelling such registration or licensing.

4. The conditions subject to which such registration or licensing may be granted, the form and manner in which such registration or licensing may be effected, the classification of specified tourist services for the purposes of such registration, and the circumstances in which such classification may be altered or reviewed.

5. The duration of such registration or licensing.

6. The maintenance of registers and books for the purpose of the registration or licensing of specified tourist services, the display by specified tourist services in their principal place of business and in each branch office of their certificates of registration and their licences, and the lists of fees or charges which may be levied by such services under and in accordance with the provisions of any price control Order relating to such service.

7. The preferment of appeals to the Tribunal constituted for the purpose under this Act by persons aggrieved by orders made by the competent authority refusing any application made under the Code, or any orders made by such authority suspending or cancelling the registration or licensing of a specified tourist service.

8. Such powers of entry and inspection of premises, the inspection of documents and books, the furnishing of returns or information, and the taking of copies of or extracts from books or documents, as may be necessary for the purpose of enabling the competent authority to dispose of applications made under the Code, or for securing compliance with, or preventing breaches or contraventions of, the provisions of the Code.

9. The prohibition of the taking or assumption of any name, title or addition that the business of any specified tourist service has been registered, classified and licensed under the Code unless such business has been so registered, classified and licensed.

10. The making of breaches or contraventions of any provisions of the Code offences under this Act, and the provision of penalties for such offences.

11. Providing that the procuring or attempting to procure a specified tourist service to be registered or licensed under the Code by the making of any false or fraudulent representations shall be an offence under this Act and the penalties for such offence.

12. The mode and manner of the payment by tourists for services and facilities provided by specified tourist services, and the mode and manner of the acceptance of such payment by such services.

13. The prohibition of the transfer by any specified tourist service of any licence issued to such service under the Code, and the declaration that any such transfer shall be null and void.

14. All other matters connected with or incidental to any of the matters aforesaid.

15. In this Schedule, " Code " means the Specified Tourist Services Code.

EIGHTH SCHEDULE

[Section 103]

1. The Development Finance Corporation of Ceylon.
2. The Ceylon State Mortgage Bank.
3. The Agricultural and Industrial Credit Corporation of Ceylon.

THE TOURIST DEVELOPMENT ACT, No. 14 OF 1968

REGULATIONS under sections 74 and 96 of the Tourist Development Act, No. 14 of 1968, made by the Ceylon Tourist Board with the concurrence of the Minister of State.

Chairman,
Ceylon Tourist Board.

Colombo, January 11, 1969.

The Protection of Highways and Places of Scenic Beauty and the Control of Junk Yards Code, 1969

PROTECTED HIGHWAYS

1. These regulations may be cited as the Protection of Highways and Places of Scenic Beauty and the Control of Junk Yards Code, 1969.

Short title.

2. (1) Where the Minister, on the advice of the Board, is satisfied that in order to promote the safety and recreational value of public travel and to preserve natural and scenic beauty, it is necessary so to do, he may, with the concurrence of the Minister to whom the subject or function of thoroughfares has been assigned by the Prime Minister under section 46 (4) of the Ceylon (Constitution) Order in Council, 1946, declare that any highway or part thereof, shall be a protected highway for the purposes of this Code.

Protected highways.

(2) A declaration under this regulation shall be published in the *Gazette* and in at least one daily newspaper and shall come into operation on the date of such publication in the *Gazette* or on such later date as may be specified therein.

3. (1) The competent authority may, by general or special order, direct that any advertisement which is not a prohibited advertisement, and which has been erected or displayed within six hundred and sixty feet of the centre of a protected highway and is visible from such highway, shall conform to the standards laid down in such order. Such standards shall contain provisions concerning the lighting, size, number, spacing of letters, signs, symbols and devices, and such other requirements as that authority may consider appropriate to give effect to such order.

Controlled advertisements.

(2) An order made under this regulation shall be published in the *Gazette* and in at least one daily newspaper, and shall come into operation on the date of such publication in the *Gazette*, or on such later date as may be specified therein.

(3) Any advertisement in respect of which an order has been made under this section shall be a controlled advertisement.

(4) The competent authority may serve a copy of such order on any person erecting or displaying any advertisement which is not a prohibited advertisement.

4. (1) No person shall erect or display any prohibited advertisement which is within six hundred and sixty feet of the centre of a protected highway and is visible from such highway.

No prohibited advertisement may be displayed within certain distance of a protected highway.

(2) For the purposes of this regulation, a certificate under the hand of the competent authority shall be conclusive proof that an advertisement has been erected or displayed in contravention of the provisions of this regulation.

Displaying an advertisement in contravention of this Code or an order under regulation 3 an offence.

5. (1) Any person who erects or displays any advertisement in contravention of this Code or of any order made under regulation 3, and who, on being requested so to do by notice in writing by the competent authority or by any officer of police, fails to carry out the directions specified in the notice within seven days of the receipt of such notice, shall be guilty of an offence and shall be liable on conviction to a fine of five hundred rupees, and to a continuing fine of fifty rupees for each day on which such advertisement is displayed in contravention of this Code or an order made under regulation 3.

(2) A prosecution under this regulation may be instituted in any Magistrate's Court within whose jurisdiction the advertisement in respect of which the offence is alleged to have been committed has been erected or displayed.

SCENIC RESERVES

Declaration of scenic reserve.

6. (1) Where the Minister, on the advice of the Board, is satisfied that in order to promote the safety and recreational value of public travel and to preserve natural and scenic beauty it is necessary to declare any area a scenic reserve, he may, by Order, declare such area to be a scenic reserve for the purposes of this Code.

(2) An Order declaring an area a scenic reserve under this regulation may define such area by setting out the metes and bounds of the area or each of the lands comprised in that area.

(3) The Minister may, by Order, declare that from a specified date the limits of a scenic reserve shall be altered or varied.

(4) No Order under the provisions of paragraph (1) or paragraph (3) of this regulation shall be made by the Minister except with the concurrence of the Minister to whom the subject or function of local government, and the Minister to whom the subject or function of lands, has been assigned by the Prime Minister under section 46 (4) of the Ceylon (Constitution) Order in Council, 1946.

(5) Every Order made under the preceding provisions of this regulation shall be published in the *Gazette* and in at least one daily newspaper, and shall come into operation on the date of such publication in the *Gazette* or on such later date as may be specified therein.

Claims for compensation by persons affected by Order declaring scenic reserve.

7. Where any right, title or interest of any person is affected by an Order made under regulation 6, such person shall have a claim for compensation from the Board for the actual loss incurred by him as a result of such affected right, title or interest.

Declaration that no advertisement, building, etc., may be constructed within scenic reserve.

8. (1) Where the Minister makes an Order declaring a scenic reserve under regulation 6, he may by subsequent Order, direct—

(a) that no advertisement shall be erected or displayed in such reserve except in conformity with such Order;

(b) that no building or other structure shall be erected or altered, or any trees or other foliage be planted or felled, in such reserve except in accordance with such Order; and

(c) where necessary, the manner and time in which any unsightly structure or object shall be screened from view.

(2) An Order made by the Minister under this regulation shall be published in the *Gazette*, and where so directed shall be served upon the person affected thereby. Such Order shall come into operation on the date of such publication, or on such later date as may be specified therein.

(3) A direction under this regulation may require that—

- (a) any advertisement erected or displayed in contravention of this regulation or such Order or any direction so contained ; or
- (b) any building or structure, tree or other foliage erected or altered or planted in contravention of this regulation or any direction so contained,

shall be within such line as may be fixed by such Order or direction, or dismantled, demolished or removed from sight.

9. Where the competent authority is of opinion that any person is acting in contravention of any Order under regulation 8 or any direction contained in such Order, he may, by notice in writing served on that person, direct such person to comply with the terms of that Order or direction within the time specified in such notice.

Notice by competent authority on person contravening Order or direction.

10. (1) Where any person—

- (a) acts in contravention of the provisions of regulation 8 or of any Order made thereunder, or of any direction contained in such Order ; or
- (b) fails to comply with any Order made under regulation 8 or any direction contained in such Order or a notice served under regulation 9,

he shall be guilty of an offence and shall be liable on conviction to a fine of five hundred rupees and a continuing fine of fifty rupees for each day comprising the period during which the provisions of the said regulation 8 or of any such Order or direction or notice are not complied with.

Failure to carry out direction or notice by competent authority to be an offence.

(2) A prosecution under this regulation may be instituted in any Magistrate's Court within whose jurisdiction the scenic reserve in respect of which the offence is alleged to have been committed or any part thereof is situated.

JUNK YARDS

11. (1) Where any highway or part thereof has been declared under regulation 2 to be a protected highway or any area has been declared under regulation 6 to be a scenic reserve, and the Minister, on the advice of the Board, is satisfied that, in order to promote the safety and recreational value of public travel and to preserve natural beauty, it is necessary to do so, he may by general or special Order, direct that all or any junk yard situated within sight of such protected highway or such scenic reserve—

Control of junk yards.

- (a) shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from any highway ; or
- (b) shall be removed from the sight of such highway ; or
- (c) shall not be used thereafter ; or
- (d) shall be closed or filled up.

(2) Every Order under this regulation shall be published in the *Gazette* and in at least one daily newspaper, and shall come into operation on the date of such publication in the *Gazette*, or on such later date as may be specified therein.

12. (1) Where the Minister makes an Order under the preceding regulation, it shall be lawful for the competent authority by notice in writing under his hand, to give directions where necessary as to the manner in which, and the time within which, such Order shall be complied with.

Competent authority may give directions as to screening of junk yards

(2) Such notice shall be given to the owner of the land on which such junk yard is situated, or to the person in possession thereof.

Failure to comply with any Order under regulation 11, or any notice under regulation 12, to be an offence.

13. (1) Any person—

- (a) who fails to comply with the provisions of any Order made under regulation 11, or any direction contained in any such Order ; or
- (b) who fails to comply with the provisions of any notice served on him under regulation 12, or any direction contained in such notice,

shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees for each day during which such failure continues.

(2) Any prosecution for an offence under this regulation may be instituted in any Magistrate's Court within whose jurisdiction the junk yard or any part thereof in respect of which the offence is alleged to have been committed is situated.

GENERAL

Chairman may cause notice declaring scenic reserve to be exhibited.

14. (1) Where the Chairman of the Board considers it desirable that any area should be declared a scenic reserve for the purposes of this Code, he may cause or he may direct the Director-General of Tourism to cause, a notice in accordance with paragraph (2) to be exhibited in some conspicuous place in that area.

(2) The notice referred to in paragraph (1) shall be in the Sinhala, Tamil and English languages and shall state that land in the area specified in that notice is proposed to be declared a scenic reserve and that all or any of the acts authorized by paragraph (3) may be done on any land in that area in order to investigate the desirability of making a declaration under regulation 6.

(3) After a notice under paragraph (2) is exhibited for the first time in any area, the Chairman or any member of Board, the competent authority, or any officer or servant of the Board, acting under the written direction of the competent authority, or any other person duly authorized by the competent authority as aforesaid may enter upon any land in that area, together with such persons, implements, materials, vehicles, and animals as may be necessary and—

- (a) survey and take levels of that land ;
- (b) dig or bore into the subsoil of that land ;
- (c) set out the boundaries of that land and the intended line of any work proposed to be done on that land ;
- (d) mark such levels, boundaries and line by placing marks and cutting trenches ;
- (e) where otherwise the survey of that land cannot be completed and such levels taken and such boundaries and line marked, cut down and clear away any part of any standing crop, fence or jungle on that land ; and
- (f) do all other acts necessary to ascertain whether it is desirable that an order be made under regulation 6 :

Provided, however, that no officer or other person in the exercise of the powers conferred on him by the preceding provisions of this paragraph shall enter any occupied building or any enclosed court or garden attached thereto, unless he has given the occupier of that building at least seven days written notice of his intention to do so.

Powers of entry, &c.

15. Where it is necessary to ascertain whether any advertisement, building or construction has been erected or constructed, or any alteration of any building has been effected, or any trees or foliage felled or planted, or any junk yard maintained, in contravention of the provisions of this Code or any Order or direction made thereunder, it shall be lawful for any member of the Board, the competent authority or any officer or servant duly authorized by the competent authority to enter upon any land

whereon any advertisement or structure is constructed or such tree is felled or grown or junk yard is maintained, and to exercise any or all of the powers conferred by paragraph (3) of regulation 14.

16. No prosecution for an offence under the provisions of this Code shall be instituted in any court except with the written sanction of the Board.

No prosecutions to be instituted without the sanction of the Board.

17. In these regulations—

Interpretation

“advertisement”, “automobile graveyard”, “highway”, “junk”, “junk yard” and “prohibited advertisement” have the same meaning, respectively, as in the Third Schedule to the Tourist Development Act, No. 14 of 1968;

“Board”, “competent authority”, “lake” and “land” have the same meaning, respectively, as in section 103 of the Tourist Development Act, No. 14 of 1968;

“the Minister” means the Minister to whom the subject or function of tourism has been assigned by the Prime Minister under section 46(4) of the Ceylon (Constitution) Order in Council, 1946.