

PARLIAMENT OF CEYLON

5th Session 1951



Local Authorities (Election of Officials) Act, No. 39 of 1951

Date of Assent : December 21, 1951

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AN ACT TO AMEND THE LAW RELATING TO LOCAL AUTHORITIES IN ORDER TO MAKE NEW PROVISIONS REGARDING THE MODE OF ELECTION OF THE MAYORS OR CHAIRMEN AND THE DEPUTY MAYORS OR VICE-CHAIRMEN OF SUCH AUTHORITIES, AND REGARDING THE TERM OF OFFICE OF MAYORS AND DEPUTY MAYORS.

[Date of Assent: December 21, 1951.]

BE it enacted by the King'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 Local Authorities (Election of Officials) Act, No. 39 of 1951.

Short title.

2. Section 14 of the Municipal Councils Ordinance, No. 29 of 1947, is hereby amended as follows:—

Amendment of
section 14 of the
Municipal
Councils
Ordinance,
No. 29 of 1947.

- (1) in sub-section (2) of that section, by the omission of the words “ for the year ”.
- (2) in sub-section (3) of that section, by the omission of the words “ by secret ballot in each case and ”;
- (3) by the repeal of sub-section (4) of that section and the substitution therefor of the following:—

“ (4) (a) Where only one candidate is proposed and seconded for election as Mayor or Deputy Mayor, he shall be declared by the Commissioner, without question put, to be elected.

(b) Where two or more candidates are proposed and seconded for election as Mayor or Deputy Mayor, the mode of election shall be by either open or secret voting, according as the Councillors present may by resolution determine; and, if the number of votes cast on such resolution is equally divided, the determination of the mode of election shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall direct.

(c) Where it is determined under paragraph (b) that the election of a Mayor or a Deputy Mayor shall be by open voting, the

Commissioner shall take the votes by calling the name of each Councillor present and asking him how he desires to vote and recording the votes accordingly. A Councillor may state that he declines to vote, and in such case the Commissioner shall record that such Councillor declined to vote.

The Commissioner shall declare the result of the voting.

(d) Where it is determined under paragraph (b) that the election of a Mayor or a Deputy Mayor shall be by secret voting, the election shall be by ballot.

(e) Where more than two candidates are proposed and seconded for election as Mayor or Deputy Mayor and no candidate receives at the first voting more votes than the aggregate of the votes received by the remaining candidates, one candidate shall be excluded from the election as hereinafter provided and the voting shall proceed, one candidate being excluded from the election after each subsequent voting, until a candidate receives at a voting more votes than the aggregate of the votes received by the remaining candidates at that voting, or, as the case may be, until voting in respect of two candidates only is held and completed.

(f) Where there are three or more candidates at a voting, the determination as to which candidate is to be excluded from the election under paragraph (e) after that voting shall be made as follows:—

- (i) if the number of votes received by one candidate is lower than the number received by each remaining candidate, the candidate receiving the lowest number shall be excluded;
- (ii) if each of all the candidates receives an equal number of votes, or if each of two or more candidates receives an equal number of votes which is less than the number received by the remaining candidate or each remaining candidate one of the candidates

receiving the equal number shall be excluded, the determination as to which candidate is to be excluded being made by lot to be drawn in the presence of the Commissioner in such manner as he shall direct.

(g) Where there are two candidates at any voting and the number of votes cast is equally divided and the addition of one vote would entitle one of the candidates to be elected as Mayor or Deputy Mayor, the determination of the candidate to whom the additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall direct.”.

3. Section 15 of the Municipal Councils Ordinance, No. 29 of 1947, is hereby repealed and the following new section is substituted therefor:—

Replacement of
section 15 of
Ordinance
No. 29 of 1947.

“ Term of
office, vacation
of office, etc. of
Mayor and
Deputy Mayor.

15. (1) Any Councillor elected as Mayor or Deputy Mayor of the Council shall, subject to the provisions of sub-sections (2) and (3), hold office as such until the expiration of the term of office of the Councillors then in office:

Provided however that the person holding office as Mayor on the date of such expiration shall be deemed for the purposes of this Ordinance or of any other written law, to be the Mayor of the Council until a new Mayor is elected.

(2) A Mayor or Deputy Mayor may be removed from office on a resolution for such removal duly passed at any meeting of the Council by not less than one half of the total number of Councillors and confirmed by a resolution similarly passed at the next meeting of the Council. Upon the date of the confirmation of any resolution for removal, the Mayor or Deputy Mayor affected by such resolution shall be deemed to vacate his office as such.

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(3) If the Mayor or Deputy Mayor dies, or resigns, or vacates his office as such, or vacates his office as a Councillor, the Commissioner shall, by notice in writing, summon the Councillors to a meeting for the purpose of holding an election to fill the office; and the provisions of section 14 shall apply to and in relation to the meeting and the election."

Repeal of
section 16 of
Ordinance
No. 29 of 1947.

4. Section 16 of the Municipal Councils Ordinance, No. 29 of 1947, is hereby repealed.

Special provi-
sions relating
to election of
Mayor, etc.,
for 1952.

5. The amendments of the Municipal Councils Ordinance, No. 29 of 1947, made by sections 3 and 4 of this Act shall not have effect in relation to any Municipal Council until the election of the Mayor or Deputy Mayor of that Council, which is required by sub-section (1) of section 15 of that Ordinance to be held in the year 1952, is so held and completed; but any Mayor or Deputy Mayor so elected shall hold office as such until the expiration of the term of office of the Councillors then in office, subject, however, to the provisions of sub-sections (2) and (3) of section 15 of that Ordinance as amended by this Act.

Amendment of
the Urban
Councils
Ordinance,
No. 61 of 1939.

6. The Urban Councils Ordinance, No. 61 of 1939 is hereby amended as follows:—

(1) by the insertion, immediately after section 33, of the following new section:—

" Mode of
election of
Chairman and
Vice-Chairman.

33A (1) Any member may with his consent be proposed and seconded for election as Chairman or Vice-Chairman, and the members present shall thereupon elect, in accordance with the provisions of sub-section (2), a Chairman or a Vice-Chairman from among the members proposed and seconded for election as Chairman or Vice-Chairman.

(2) (a) Where only one candidate is proposed and seconded for election as Chairman or Vice-Chairman, the person (hereinafter in this section referred to as the "presiding officer") who presides at the meeting at which the election takes place shall, without question put, declare that candidate to be elected.

(b) Where two or more candidates are proposed and seconded for election as Chairman or Vice-Chairman, the mode of election shall be by either open or secret voting, according as the members present may by resolution determine; and, if the number of votes cast on such resolution is equally divided, the determination of the mode of election shall be made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

(c) Where it is determined under paragraph (b) that the election of a Chairman or a Vice-Chairman shall be by open voting, the presiding officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly. A member may state that he declines to vote, and in such case the presiding officer shall record that such member declined to vote.

The presiding officer shall declare the result of the voting.

(d) Where it is determined under paragraph (b) that the election of a Chairman or a Vice-Chairman shall be by secret voting, the election shall be by ballot.

(e) Where more than two candidates are proposed and seconded for election as Chairman or Vice-Chairman and no candidate receives at the first voting more votes than the aggregate of the votes received by the remaining candidates, one candidate shall be excluded from the election as hereinafter provided and the voting shall proceed, one candidate being excluded from the election after each subsequent voting, until a candidate receives at a voting more votes than the aggregate of the votes received by the remaining candidates at that voting, or, as the case may be, until voting in respect of two candidates only is held and completed.

(f) Where there are three or more candidates at a voting, the determination as to which candidate is to be excluded from the election under paragraph (e) after that voting shall be made as follows:—

(i) if the number of votes received by one candidate is lower than the number received by each remaining candidate, the candidate receiving the lowest number shall be excluded;

(ii) if each of all the candidates receives an equal number of votes, or if each of two or more candidates receives an equal number of votes which is less than the number received by the remaining candidate or each remaining candidate, one of the candidates receiving the equal number shall be excluded, the determination as to which candidate is to be excluded being made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

(g) Where there are two candidates at any voting and the number of votes cast is equally divided and the addition of one vote would entitle one of the candidates to be elected as Chairman or Vice-Chairman, the determination of the candidate to whom the additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.”;

(2) in section 34A, by the insertion, immediately after sub-section (3) of that section, of the following new sub-section:—

“(3A) The provisions of section 33A shall apply to the election of a Chairman under this section.”.

7. The Town Councils Ordinance, No. 3 of 1946, is hereby amended as follows:—

Amendment of
the Town
Councils
Ordinance,
No. 3 of 1946.

(1) by the insertion, immediately after section 33, of the following new section:—

“ Mode of
election of
Chairman and
Vice-Chairman.

33A (1) Any member may with his consent be proposed and seconded for election as Chairman or Vice-Chairman, and the members present shall thereupon elect, in accordance with the provisions of sub-section (2), a Chairman or a Vice-Chairman from among the members proposed and seconded for election as Chairman or Vice-Chairman.

(2) (a) Where only one candidate is proposed and seconded for election as Chairman or Vice-Chairman, the person (hereinafter in this section referred to as the “ presiding officer ”) who presides at the meeting at which the election takes place shall, without question put, declare that candidate to be elected.

(b) Where two or more candidates are proposed and seconded for election as Chairman or Vice-Chairman, the mode of election shall be by either open or secret voting, according as the members present may by resolution determine; and, if the number of votes cast on such resolution is equally divided, the determination of the mode of election shall be made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

(c) Where it is determined under paragraph (b) that the election of a Chairman or a Vice-Chairman shall be by open voting, the presiding officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly. A member may state that he declines to vote, and in such case the presiding officer shall record that such member declined to vote.

The presiding officer shall declare the result of the voting.

(d) Where it is determined under paragraph (b) that the election of a Chairman or a Vice-Chairman shall be by secret voting, the election shall be by ballot.

(e) Where more than two candidates are proposed and seconded for election as Chairman or Vice-Chairman and no candidate receives at the first voting more votes than the aggregate of the votes received by the remaining candidates, one candidate shall be excluded from the election as hereinafter provided and the voting shall proceed, one candidate being excluded from the election after each subsequent voting, until a candidate receives at a voting more votes than the aggregate of the votes received by the remaining candidates at that voting, or, as the case may be, until voting in respect of two candidates only is held and completed.

(f) Where there are three or more candidates at a voting, the determination as to which candidate is to be excluded from the election under paragraph (e) after that voting shall be made as follows:—

(i) if the number of votes received by one candidate is lower than the number received by each remaining candidate, the candidate receiving the lowest number shall be excluded;

(ii) if each of all the candidates receives an equal number of votes, or if each of two or more candidates receives an equal number of votes which is less than the number received by the remaining candidate or each remaining candidate, one of the candidates receiving the equal number shall be excluded, the determination as to which candidate is to be excluded

being made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

(g) Where there are two candidates at any voting and the number of votes cast is equally divided and the addition of one vote would entitle one of the candidates to be elected as Chairman or Vice-chairman, the determination of the candidate to whom the additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.”;

(2) in section 35, by the insertion, immediately after sub-section (3) of that section, of the following new sub-section:—

“(3A) The provisions of section 33A shall apply to the election of a Chairman under this section.”.

8. The Village Communities Ordinance is hereby amended as follows:—

Amendment of
the Village
Communities
Ordinance.

(1) by the repeal of section 27 and the substitution therefor of the following section:—

“ Mode of
election of
Chairman.

27. (1) Any member of a Village Committee may with his consent be proposed and seconded for election as Chairman by any other member present, and the members present shall thereupon elect, in accordance with the provisions of sub-section (2), a Chairman from among the members proposed and seconded for election as Chairman.

(2) (a) Where only one candidate is proposed and seconded for election as Chairman, the person (hereinafter in this section referred to as the “presiding officer”) who presides at the meeting at which the election takes place shall, without question put, declare that candidate to be elected.

(b) Where two or more candidates are proposed and seconded for election as Chairman, the mode of election shall be by either open or secret voting, according as the members present may by resolution determine; and, if the number of votes cast on such resolution is equally divided, the determination of the mode of election shall be made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

(c) Where it is determined under paragraph (b) that the election of a Chairman shall be by open voting, the presiding officer shall take the votes by calling the name of each member present and asking him how he desires to vote and recording the votes accordingly. A member may state that he declines to vote, and in such case the presiding officer shall record that such member declined to vote.

The presiding officer shall declare the result of the voting.

(d) Where it is determined under paragraph (b) that the election of a Chairman shall be by secret voting, the election shall be by ballot.

(e) Where more than two candidates are proposed and seconded for election as Chairman and no candidate receives at the first voting more votes than the aggregate of the votes received by the remaining candidates, one candidate shall be excluded from the election as hereinafter provided and the voting shall proceed, one candidate being excluded from the election after each subsequent voting, until a candidate receives at a voting more votes than the aggregate of the votes received by the remaining candidates at that voting, or, as the case may be, until voting in respect of two candidates only is held and completed.

(f) Where there are three or more candidates at a voting, the determination as to which candidate is to be excluded

from the election under paragraph (e) after that voting shall be made as follows:—

(i) if the number of votes received by one candidate is lower than the number received by each remaining candidate, the candidate receiving the lowest number shall be excluded;

(ii) if each of all the candidates receives an equal number of votes, or if each of two or more candidates receives an equal number of votes which is less than the number received by the remaining candidate or each remaining candidate, one of the candidates receiving the equal number shall be excluded, the determination as to which candidate is to be excluded being made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.

(g) Where there are two candidates at any voting and the number of votes cast is equally divided and the addition of one vote would entitle one of the candidates to be elected as Chairman, the determination of the candidate to whom the additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the presiding officer in such manner as he shall direct.”;

(2) in section 28, by the repeal of sub-section (3) of that section and the substitution therefor of the following:—

“ (3) The provisions of section 27 shall apply to the election of a Vice-chairman in like manner as though every reference in that section to “ Chairman ” were a reference to “ Vice-chairman ”;

(3) in section 59 (1), by the omission of paragraph (c).