

PARLIAMENT OF CEYLON

5th Session 1952



Local Authorities (Enlargement of Powers) Act, No. 8 of 1952

Date of Assent : February 8, 1952

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No. 8 of 1952

L. D.—O. 42/51.

AN ACT TO AMEND THE LAW RELATING TO LOCAL AUTHORITIES FOR THE PURPOSE OF REMOVING SOME OF THE LIMITATIONS OF THE POWERS OF SUCH AUTHORITIES.

[Date of Assent: February 8, 1952.]

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 (Enlargement of Powers) Act, No. 8 of 1952. Short title.

2. The Municipal Councils Ordinance, No. 29 of 1947, the Urban Councils Ordinance, No. 61 of 1939, the Town Councils Ordinance, No. 3 of 1946, and the Village Communities Ordinance are hereby amended in the manner specified in the Schedule to this Act. Amendment of Ordinances relating to local authorities.
Cap. 198.

SCHEDULE

<i>I</i> <i>Ordinance</i>	<i>II</i> <i>Section or Part</i>	<i>III</i> <i>Amendments</i>
Municipal Councils Ordinance, No. 29 of 1947	Section 22	Sub-section (2) is hereby repealed and the following sub-section is substituted therefor:— “(2) No business shall be transacted at any meeting of the Council unless one-third of the number of Councillors in office on the day of that meeting is present.”
	Section 41	In sub-section (1)— (1) for paragraph (f), substitute the following paragraph:— “(f) to sell by public auction or lease, either in block or in parcels,— (i) any land or building vested in the Council by virtue of section 36 or section 38 if the prior sanction of the Governor-General has been obtained by the Council, and (ii) any other land or building of the Council, subject to the terms and conditions of the instrument by which the land or building was vested in or transferred to the Council, unless the sale or lease is prohibited by such instrument;”;

and

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(2) in paragraph (u)—

(a) for sub-paragraph (vi), substitute the following sub-paragraph :—

“(vi) any other form of public service, subject to such prohibition or restriction of the establishment and maintenance of that service as may be imposed by any other law ;”

and

(b) omit sub-paragraph (vii).

Section 48 (1) For the words “ Council, with the sanction of the Minister, may ”, substitute the words “ Council may ”.

(2) In paragraph (b), for the words “ improve any street ; ”, substitute the words “ improve, or turn, divert, discontinue, or stop up, whether in whole or in part, any street to which the Thoroughfares Ordinance does not apply and, with the sanction of the Minister charged with the subject of thoroughfares, any other street, ”

(3) Omit paragraph (c).

Section 52 (1) Omit the words “ with the prior sanction of the Minister, ”.

(2) For the words “ may, with the like approval ”, substitute the word “ may ”.

(3) For the words “ subject to such stipulations ”, substitute the following :—

“ subject to the provisions of paragraph (f) of sub-section (1) of section 41 and subject to such stipulations ”.

Section 64 (1) For the words “ Council, with the sanction of the Minister, may ”, substitute the words “ Council may ”.

(2) For the words “ the Council. ”, substitute the words “ the Council, subject to such prohibition or restriction of the organization and maintenance of that form of communication as may be imposed by any other law. ”

Section 66 (1) For the words “ Council, with the prior approval of the Minister, may ”, substitute the words “ Council may, ”.

(2) For the words “ Council, and ”, substitute the words “ Council and subject to the condition that by an appropriate instrument such road is constituted a public road and is vested in the Council, and ”.

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	Section 85	(1) In sub-section (2), for the words "Minister, by notification in the <i>Gazette</i> may, fix", substitute the words "Council may by resolution fix". (2) In sub-section (3), for the words "Minister, by notification in the <i>Gazette</i> may, fix", substitute the words "Council may by resolution fix".
	Section 87	(1) For the words "in that behalf and subject to the approval of the Minister, enter", substitute the words "in that behalf, enter". (2) Omit all the words from "Provided, however, that" to the end of the section.
	Section 88	Sub-section (4) is hereby repealed.
	Section 155	For the words "may, with the sanction of the Minister. borrow", substitute the words "may borrow".
	Section 158	For the words "may, with the sanction of the Governor-General, sell, or, at its own discretion, let", substitute the words "may, subject to the provisions of paragraph (f) of sub-section (1) of section 41, sell, or let".
	Section 186	(1) For the words "such bank as may be selected by the Council with the sanction of the Minister," substitute the words "an approved bank,". (2) At the end of the section add the following :— 'In this section "approved bank" means a bank specified by the Minister by order published in the <i>Gazette</i> as a bank in which the moneys of any Municipal Council, Urban Council or Town Council may be deposited.'
	Section 188	(1) In sub-section (1)— (a) in paragraph (j), for the words "such charities or such measures", substitute the words "and charities or measures", and omit the words "as may be approved by the Minister"; (b) in paragraph (k), for the words "Council, with the previous sanction in writing of the Minister, towards the cost of any public ceremony, or", substitute the word "Council"; and (c) immediately after paragraph (k), insert the following paragraph :— " (kk) such contributions not exceeding in the aggregate one thousand rupees in any year as may be voted by the Council towards the cost of any public ceremonies, and any other contributions voted by the Council, with the prior sanction in writing of the Minister, towards the cost of any such ceremonies ;". (2) In sub-section (2), for the expression "paragraph (k)", substitute the expression "paragraph (kk)".

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Section 191 At the end of the section add the following:—

“Provided that the sanction of the Minister shall not be necessary for borrowing any such sum if the amount outstanding in respect of all loans already raised by such Council does not exceed the total income received by such Council during the three years immediately preceding the year in which that sum is to be borrowed.”

Section 197 At the end of the section add the following:—

“Provided that such consent and conditions shall not be necessary if such money was borrowed, under the proviso to section 191, without the sanction of the Minister.”

Section 206 At the end of sub-section (1), add the following:—

“Provided that the consent of the Minister shall not be necessary for borrowing any such sum if the amount outstanding in respect of all loans already raised by such Council does not exceed the total income received by such Council during the three years immediately preceding the year in which that sum is to be borrowed.”

Section 207 In sub-section (1)—

(1) for the words “Provided that”, substitute the words “Provided further that”; and

(2) immediately before the proviso to that sub-section, insert the following:—

“Provided that the consent of the Minister shall not be necessary for borrowing any sum under the preceding provisions of this sub-section if the amount outstanding in respect of all loans already raised by such Council does not exceed the total income received by such Council during the three years immediately preceding the year in which that sum is to be borrowed.”

Section 219 Section 219 is hereby repealed and the following section is substituted therefor:—

“Audit
of
accounts.

219. The accounts of every Municipal Council shall be audited by the Auditor-General or by such officers as may be authorised by him, and he or they shall maintain a continuous audit of such accounts.”

Section 220 For the words “under the last”, substitute the words “by or under the last”.

Section 223 In sub-section (1), for the words “under section”, substitute the words “by or under section”.

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Section 225 (1) For the words "as remuneration", substitute the words "to the Deputy Secretary to the Treasury as remuneration".

(2) For the words "Minister with the concurrence of the Minister of Finance", substitute the words "Minister of Finance".

Section 245 In sub-section (1), for the words "may, with the sanction of the Minister, levy", substitute the words "may levy".

Section 247 (1) For the words "property or in levying the tax thereunder on vehicles and animals," substitute the word "property,".

(2) For the words "same rate or tax", substitute the words "same rate".

(3) For the words "such rate or tax.", substitute the words "such rate.".

(4) In the marginal note to the section, omit the words "and taxes".

Section 272 In paragraph (29)—

(1) for sub-paragraph (f), substitute the following sub-paragraph :—

“(f) any other form of public service which the Council has resolved to provide.”;
and

(2) omit sub-paragraph (g).

Section 304 In sub-section (1), for the words "Council, with the sanction of the Minister :", substitute the word "Council :".

Part XV Immediately after section 315, insert the following section :—

“Annual report of Commissioner of Local Government on affairs of each Municipal Council.

315A. (1) The Commissioner of Local Government shall prepare and transmit to the Mayor of each Municipal Council a report containing a general survey of the affairs of the Council in each year, and the Mayor shall cause such report to be tabled for the information of the Councillors at the next meeting of the Council held after the receipt of such report.

(2) For the purpose of preparing the report referred to in sub-section (1), the Commissioner of Local Government or any officer generally or specially authorised in that behalf by him may—

(a) inspect any public building, immovable property or institution used, occupied or carried on by or on behalf of any Municipal Council, or any work in progress under the direction of any Municipal Council;

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(b) call for and inspect any book or document in the possession or under the control of any Municipal Council ; and

(c) require any Municipal Council to furnish accounts of income and expenditure, reports or copies of documents relating to the proceedings or duties of the Council or any Committee of the Council, and such other information as may be considered necessary by the Commissioner of Local Government. ”.

Urban Coun-
cils Ordi-
nance,
No. 61 of
1939

Section 39 (1) Sub-section (1) is hereby repealed and the following sub-section is substituted therefor :—

“ (1) The quorum for any meeting of an Urban Council shall be one-third of the members of the Council in office on the day of that meeting. ”.

(2) In sub-section (2), for the words “ prescribed by or under this Ordinance. ”, substitute the expression “ prescribed by sub-section (1). ”.

Section 48 (1) In paragraph (b), for the words “ such charities or such measures ”, substitute the words “ and charities or measures ”, and omit the words “ as may be approved by the Minister ”.

(2) For paragraph (d), substitute the following paragraph :—

“ (d) to take on lease or purchase any land or building ; ”.

(3) In paragraph (e)—

(a) for sub-paragraph (i), substitute the following sub-paragraph :—

“ (i) to sell, exchange, let or give out on lease any land or building belonging to the Council or vested in it otherwise than by virtue of the provisions of section 44 or section 46, subject to the terms and conditions of the instrument by which the land or building was transferred to or vested in the Council, unless the sale, exchange, letting or leasing is prohibited by such instrument ; ” ;

(b) omit sub-paragraph (ii) ; and

(c) re-number sub-paragraph (iii) as sub-paragraph (ii)

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<i>I</i> <i>Ordinance</i>	<i>II</i> <i>Section or</i> <i>Part</i>	<i>III</i> <i>Amendments</i>
	Section 63	In paragraph (c), omit the words "with the sanction of the Minister,".
	Section 67	(1) Omit the words "with the prior approval of the Minister,". (2) For the words "may, with the like approval," substitute the word "may". (3) For the words "subject to such stipulations", substitute the following :— "subject to the provisions of paragraph (e) of section 48 and subject to such stipulations".
	Section 69	(1) For the words "town, with the approval of the Minister," substitute the word "town". (2) For the words "Council, and", substitute the words "Council and subject to the condition that by an appropriate instrument such road is constituted a public road and is vested in the Council, and".
	Section 72	For the words "with the sanction of the Minister," substitute the words "subject to such prohibition or restriction as may be imposed in respect thereof by any other law,".
	Section 104	In sub-section (2) and sub-section (3), for the words "such other sum as the Minister, by notification in the <i>Gazette</i> , may fix", substitute the words "such other sum as the Council may by resolution fix".
	Section 106	(1) Omit the words "and subject to the approval of the Minister,". (2) For the words "Council, and", substitute the words "Council other than principal thoroughfares, to make such user of principal thoroughfares with the prior approval of the Minister charged with the subject of thoroughfares, and".
	Section 142	(1) For paragraph (h), substitute the following paragraph :— "(h) any other form of public service, subject to such prohibition or restriction of the establishment and maintenance of that service as may be imposed by any other law." (2) Omit paragraph (i).
	Section 144	Omit the words "with the approval of the Minister, and".
	Section 171	In sub-section (3), for the words "such of the banks in Ceylon as may be selected by the Council with the sanction of the Minister.", substitute the following :— "an approved bank. In this sub-section "approved bank" means a bank specified by the Minister by Order published in the <i>Gazette</i>

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as a bank in which the moneys of any Municipal Council, Urban Council or Town Council may be deposited.'.

Section 172 In sub-section (1)—

(1) in paragraph (dd), for the words " may, with the approval of the Minister, decide", substitute the words "may decide" ;

(2) for paragraph (f), substitute the following paragraph :—

" (f) such expenses not exceeding in the aggregate two hundred and fifty rupees in any year as may be incurred by the Council 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 the Council towards the cost of public ceremonies ; and " ;

and

(3) in paragraph (g), for the words " Council, with the prior approval of the Minister, towards", substitute the words " Council towards", and omit the word " ceremonies,".

Section 175 Omit the words " and subject to the approval of the Minister,".

Section 177 In sub-section (2), for the words " Council, subject to the approval of the Minister :", substitute the word " Council : ".

Section 185 (1) At the end of sub-section (1), add the following :—

" Provided that the approval of the Minister shall not be necessary, for borrowing any such sum if the amount outstanding in respect of all loans already raised by such Council does not exceed the total income received by such Council during the three years immediately preceding the year in which that sum is to be borrowed. ".

(2) In sub-section (2), for the words " as the Minister may approve. ", substitute the words " as may, where that loan is raised with the approval of the Minister, be approved by the Minister, and, in any other case, be determined by the Council."

Section 205 In sub-section (2), omit paragraph (1).

Part VIII Immediately, after section 209, insert the following section :—

"Annual report of Commissioner on affairs of each Urban Council. 209A. The Commissioner shall prepare and transmit to the Chairman of each Urban Council a report

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Town Councils
Ordinance,
No. 3 of 1946.

Section 40 (1) For sub-section (1), substitute the following sub-section :—

“ (1) The quorum for any meeting of a Town Council shall be one-third of the members of the Council in office on the day of that meeting, or two members, whichever is greater.”.

(2) In sub-section (2), for the words “prescribed by or under this Ordinance.”, substitute the expression “prescribed by sub-section (1).”.

Section 50 (1) In paragraph (c), for the words “such charities, or such measures”, substitute the words “and charities or measures”, and omit the words “as may be approved by the Minister”.

(2) For paragraph (e), substitute the following paragraph :—

“(e) to take on lease or to purchase any land or building ;”.

(3) In paragraph (f)—

(a) for sub-paragraph (i), substitute the following sub-paragraph :—

“(i) to sell, exchange, let or give out on lease any land or building belonging to the Council or vested in it otherwise than by virtue of section 46 or section 48, subject to the terms and conditions of the instrument by which the land or building was transferred to or vested in the Council, unless the sale, exchange, letting or leasing is prohibited by such instrument”;

(b) omit sub-paragraph (ii) ; and

(c) re-number sub-paragraph (iii) as sub-paragraph (ii).

Part II Immediately after section 54, insert the following section :—

“Application of
section 54.

54A. (1) Notwithstanding anything in section 54 but subject to sub-section (2) of this section, the sanction of the Commissioner shall not be required before any contract referred to in that section is entered into on behalf of any Town Council.

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(2) The Minister may in his discretion by Order published in the *Gazette* declare that sub-section (1) of this section shall not apply in relation to contracts to be entered into on behalf of any Town Council specified in the Order; and so long as such Order is in force the provisions of section 54 shall apply in relation to contracts to be entered into on behalf of that Council in like manner as though sub-section (1) of this section had not been enacted."

Section 66 In paragraphs (a) and (c), omit the words "with the sanction of the Minister".

Section 70 (1) Omit the words "with the prior approval of the Minister,".

(2) For the words "may, with the like approval," substitute the word "may".

(3) For the words "subject to such stipulations", substitute the following:—

"subject to the provisions of paragraph (f) of section 50 and subject to such stipulations".

Section 72 (1) For the words "town, with the prior approval of the Minister," substitute the word "town".

(2) For the words "Council, and", substitute the words "Council and subject to the condition that by an appropriate instrument such road is constituted a public road and is vested in the Council, and".

Section 104 In sub-section (2) and sub-section (3), for the words "such other sum as the Minister, by notification in the *Gazette*, may fix", substitute the words "such other sum as the Council may by resolution fix".

Section 106 (1) Omit the words "and subject to the approval of the Minister,".

(2) For the words "Council, and", substitute the words "Council other than principal thoroughfares, to make such user of principal thoroughfares with the prior approval of the Minister charged with the subject of thoroughfares, and"

Section 142 (1) For the words "maintain, with the prior approval of the Minister, for", substitute the words "maintain for".

(2) In paragraph (i), for the word "above.", substitute the words "above, subject to such prohibition or restriction of the establishment and maintenance of that service as may be imposed by any other law."

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Section 144 Omit the words " with the approval of the Minister and ".

Section 171 In sub-section (3) for the words " such of the banks in Ceylon as may be selected by the Council with the sanction of the Minister.", substitute the following :—

' an approved bank. In this sub-section " approved bank " means a bank specified by the Minister by Order published in the *Gazette* as a bank in which the moneys of any Municipal Council, Urban Council or Town Council may be deposited. '

Section 172 In sub-section (1)—

(1) for paragraph (e), substitute the following paragraph :—

" (e) such expenses not exceeding in the aggregate two hundred and fifty rupees in any year as may be incurred by the Council 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 the Council towards the cost of public ceremonies ; " ;

and

(2) in paragraph (f) omit the words " with the prior approval of the Minister," and the word " ceremonies,".

Section 175 Omit the words " and subject to the approval of the Minister,".

Section 177 In sub-section (2), for the words " Council, subject to the approval of the Minister : ", substitute the word " Council : ".

Section 186 (1) At the end of sub-section (1) add the following :—

" Provided that the approval of the Minister shall not be necessary for borrowing any such sum if the amount outstanding in respect of all loans already raised by such Council does not exceed the total income received by such Council during the three years immediately preceding the year in which that sum is to be borrowed.".

(2) In sub-section (2), for the words " as the Minister may approve.", substitute the words " as may, where that loan is raised with the approval of the Minister, be approved by the Minister, and, in any other case, be determined by the Council.".

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I Ordinance	II Section or Part	III Amendments
	Section 206 Part VIII	In sub-section (2), omit paragraph (l). Immediately after section 210, insert the following section :—
		“ Annual report of Commissioner on affairs of each Town Council. 210A. The Commissioner shall prepare and transmit to the Chairman of each Town Council a report containing a general survey of the affairs of the Council in each year, and the Chairman shall cause such report to be tabled for the information of the members of the Council at the next meeting of the Council held after the receipt of such report.”
Village Communities Ordinance	Section 34	For all the words and figures from “ shall ” to the end of the section, substitute the words “ shall be one-third of the number of members of the Committee in office on the day of that meeting.”
	Section 43	(1) In paragraph (bb), for all the words from the beginning of that paragraph to “ Ordinance”, substitute the words “ to establish or maintain any public service which is required for the welfare, comfort or convenience of the public, subject to the extent of the resources of the Committee and to such prohibition or restriction of the establishment or maintenance of that service as may be imposed by any other law, ”. (2) For paragraph (k), substitute the following paragraph :— “ (k) to apply any part of the communal fund for relieving public distress due to famine, epidemic diseases or any other cause ; ”.
	Section 46	For all the words from “ a licence duty ” to the end of the section, substitute the words “ a licence duty at rates determined by the Committee by resolution and not exceeding such amount as may be specified by the Minister by Order published in the <i>Gazette</i> . ”.
	Section 49	In sub-section (2) omit, from paragraph (i), the following :— “ (d) the quorum ; ”.
	Section 53	In paragraph (1), for the words “ tax, licence duty,”, substitute the following :— “ tax other than a tax on vehicles and animals under section 47, ”.
	Part IV	Immediately after section 53, insert the following section :— “ Application of section 53. 53A. (1) Notwithstanding anything in section 53 but subject to sub-section (2) of this section, the

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approval of the Assistant Commissioner shall not be required before effect is given to any resolution or decision of a Village Committee in respect of any matter referred to in sub-paragraphs (d) to (g) of paragraph (2) of that section.

(2) The Minister may in his discretion by Order published in the *Gazette* declare that the provisions of sub-section (1) of this section shall not apply in the case of any Village Committee specified in the Order; and so long as such Order remains in force the provisions of section 53 shall apply in relation to resolutions or decisions of that Village Committee in all respects as though sub-section (1) of this section had not been enacted."

Section 56 At the end of the section, add the following sub-section :—

"(3) The Minister's approval of a resolution passed by a Village Committee relating to the raising of a loan shall not be necessary if the amount outstanding in respect of all loans already raised by such Committee does not exceed the total income received by such Committee during the three years immediately preceding the year in which the loan referred to in such resolution is to be raised."

Part V Immediately after section 63, insert the following section :—

"Annual report of
Commissioner
of Local Gov-
ernment on affairs
of each Village
Committee.

64. (1) The Commissioner of Local Government shall prepare and transmit to the Chairman of each Village Committee a report containing a general survey of the affairs of the Committee in each year, and the Chairman shall cause such report to be tabled for the information of the members of the Committee at the next meeting of the Committee held after the receipt of such report.

(2) For the purpose of preparing the report referred to in sub-section (1), the Commissioner of Local Government or any officer generally or specially authorised in that behalf by him may—

(a) inspect any public building, immovable property or institution used, occupied or carried on by or on behalf of any Village Committee, or any

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work in progress under the direction of any Village Committee ;

(b) call for and inspect any book or document in the possession or under the control of any Village Committee ; and

(c) require any Village Committee to furnish accounts of income and expenditure, reports or copies of documents relating to the proceedings or duties of the Committee, and such other information as may be considered necessary by the Commissioner of Local Government.”.