

PARLIAMENT OF CEYLON

3rd Session 1967-68



Colombo District (Low-lying Areas) Reclamation and Development Board Act, No. 15 of 1968

Date of Assent : May 17, 1968

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*Colombo District (Low-lying Areas)
Reclamation and Development Board
Act, No. 15 of 1968*

L. D.—O. 48/66.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD TO BE KNOWN AS THE COLOMBO DISTRICT (LOW-LYING AREAS) RECLAMATION AND DEVELOPMENT BOARD FOR THE RECLAMATION AND DEVELOPMENT OF SUCH AREAS AS MAY BE DECLARED BY ORDER OF THE MINISTER SO THAT SUCH AREAS MAY BE RENDERED SUITABLE FOR BUILDING PURPOSES, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: May 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 Colombo District (Low-lying Areas) Reclamation and Development Board Act, No. 15 of 1968, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title
and date of
operation.

PART I.

POWER OF MINISTER TO DECLARE RECLAMATION AND
DEVELOPMENT AREAS.

2. (1) Where the Minister is satisfied that any area of land situated within the jurisdiction of any local authority specified in the First Schedule to this Act is a low-lying, marshy, waste or swampy area, he shall after consultation with the Minister of Local Government and the local authority or authorities within which such area of land is situated, by Order published in the *Gazette*, declare such area to be a Reclamation and Development Area for the purposes of this Act.

Declaration of
Reclamation
and Develop-
ment Areas by
Order of the
Minister and
effect of such
declaration.

(2) An Order declaring a Reclamation and Development Area under sub-section (1) shall define the area by setting out the metes and bounds of the land or lands comprised in the Area.

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(3) Upon the publication of an Order declaring a Reclamation and Development Area under sub-section (1) it shall be the duty of the Board hereinafter established by this Act to reclaim and develop that Area and render it suitable for building purposes.

(4) 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. Such revocation shall be without prejudice to anything previously done thereunder.

VESTING AND ACQUISITION OF LAND.

Vesting in the Boards of lands which are situated within the jurisdiction of local authorities and which comprise Reclamation and Development Areas.

3. (1) Any land or lands which comprises or comprise a Reclamation and Development Area declared by an Order under section 2 and which is or are vested in the local authority within the jurisdiction of which such land or lands is or are situated shall, from the date on which that Order is made, without any formal transfer thereof vest absolutely in the Board free from all encumbrances.

(2) No compensation shall be payable by the Board in respect of any land which vests in the Board by reason of the operation of the provisions of sub-section (1).

Compulsory acquisition of any land which comprises a Reclamation and Development Area and which is not vested in the local authority within the jurisdiction of which that land is situated.

4. (1) Where any Reclamation and Development Area declared by an Order under section 2 comprises any land which is not vested in a local authority within the jurisdiction of which such land is situated, such land may be acquired under the Land Acquisition Act by the Government for the Board, and the provisions of that Act shall, save as otherwise provided in sub-section (2), apply for the purpose of the acquisition of that land.

(2) In any case where any land referred to in sub-section (1) is to be acquired under the Land Acquisition Act and public notice of the intention to acquire that land is published as required by that Act at any time within the period of five years reckoned from the date of commencement of this Act, the market value of that land for the purposes of determining the amount of compensation to be paid in respect of that land shall, notwithstanding anything

to the contrary in that Act, be deemed to be the market value which that land would have had at the date of commencement of this Act if it then was in the same condition as it is at the time of acquisition.

PART II.

ESTABLISHMENT OF THE COLOMBO DISTRICT (LOW-LYING AREAS) RECLAMATION AND DEVELOPMENT BOARD.

5. (1) A Board to be called the Colombo District (Low-lying Areas) Reclamation and Development Board is hereby established.

Establishment
of the Colombo
District
(Low-lying
Areas)
Reclamation
and Develop-
ment Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in the name assigned to it by sub-section (1).

6. (1) The Board shall consist of the following—

Members of the
Board

(a) three *ex officio* members, namely,

(i) the Director of Irrigation,

(ii) the Director of Town and Country Planning, and

(iii) the Commissioner of National Housing; and

(b) four other members appointed by the Minister, one of whom at least shall be a qualified Civil Engineer.

(2) A person shall be disqualified for appointment by the Minister as a member of the Board or for continuing as a member so appointed—

(i) if he is a Senator or Member of Parliament, or

(ii) if he, directly or indirectly, has any interest in a subsisting contract with, or in any work being done for, the Board except as a shareholder (other than a director) in an incorporated company, or

(iii) if he has any such financial or other interest as is likely to affect prejudicially the discharge by him of his duties as a member of the Board.

(3) If a member of the Board other than an *ex officio* member is temporarily unable to function as such member, the Minister may appoint any person to act as a member of the Board.

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(4) Every member of the Board other than an *ex officio* member shall, unless he vacates the office of member of the Board earlier, hold such office for a period of three years commencing on the date of his appointment:

Provided that a person who is appointed as a member of the Board in place of a member who has vacated office before the end of his term of office shall, unless the member so appointed vacates the office of member of the Board earlier, hold such office during the unexpired part of such term.

(5) A member of the Board other than an *ex officio* member may resign the office of such member by letter addressed to the Minister.

(6) The Minister may, without assigning any reason, remove from office a member of the Board other than an *ex officio* member.

(7) A member of the Board other than an *ex officio* member shall be deemed to have vacated office—

- (a) on sending his resignation in writing to the Minister; or
- (b) on his removal from office by the Minister; or
- (c) on the expiry of his term of office.

(8) All or any of the members of the Board may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister of Finance.

(9) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the appointment thereof.

Chairman of
the Board.

7. (1) The Minister shall appoint as the Chairman of the Board one of the members of the Board other than an *ex officio* member.

(2) If the Chairman of the Board is temporarily unable to function as such Chairman, the Minister may appoint any member of the Board, other than an *ex officio* member, to act as the Chairman of the Board.

(3) The Chairman of the Board shall, unless he vacates the office of Chairman earlier, hold such office during the term for which he is a member of the Board:

Provided that a person appointed to act as the Chairman of the Board during the absence of the Chairman of the Board who is temporarily unable to function as such Chairman shall, unless he vacates the office of Chairman earlier, hold such office during such absence.

(4) The Chairman of the Board may resign the office of Chairman by letter addressed to the Minister.

(5) The Minister may, without assigning any reason, terminate the appointment of any member of the Board as the Chairman of the Board.

(6) The Chairman of the Board shall be deemed to vacate the office of Chairman if he resigns such office or if his appointment as such Chairman is terminated by the Minister or if he ceases to be a member of the Board.

8. The objects of the Board shall be—

Objects of
the Board.

- (a) to reclaim and develop every Reclamation and Development Area declared by Order under section 2, and to render such Area suitable for building purposes; and
- (b) to have the custody, management and control, pending such reclamation and development, of lands comprising such Area which are under the provisions of this Act vested in the Board.

9. The Board may exercise all or any of the following powers:—

General powers
of the Board.

- (a) to acquire, hold or take on lease any property, or mortgage, pledge, sell or otherwise dispose of any property;
- (b) to undertake the preparation and execution of development schemes in the Reclamation and Development Areas declared under section 2;
- (c) to cause the construction of roads in such Areas;
- (d) to cause the construction of works for the provision of public services in such Areas including—
 - (i) surface water drainage, sewerage and disposal of sewage,
 - (ii) lighting, and
 - (iii) water supply;

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(e) to enter into and perform all such contracts as may be necessary for carrying out the objects, and for the exercise of the powers, of the Board;

(f) to make rules in respect of the administration of the affairs of the Board;

(g) to do all other things which in the opinion of the Board are necessary to facilitate the proper carrying out of its objects.

Borrowing
powers of
the Board.

10. The Board may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow by way of overdraft or otherwise, such sums as the Board may require for meeting its obligations:

Provided that the aggregate of the amounts outstanding in respect of any loans raised by the Board under this section shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister of Finance.

Capital of
the Board.

11. (1) The initial capital of the Board shall be determined by resolution of the House of Representatives and the amount of such capital shall be paid to the Board out of the Consolidated Fund of Ceylon.

(2) The capital of the Board may be increased from time to time by such amount as may be determined by resolution of the House of Representatives, and that amount shall be paid to the Board out of the Consolidated Fund of Ceylon.

Seal of
the Board.

12. (1) The seal of the Board shall be in the custody of such person as the Board may decide from time to time.

(2) The seal of the Board shall not be affixed to any instrument or document except in the presence of the Chairman, or some other member, of the Board and the chief executive officer of the Board, both of whom shall sign the instrument or document in token of their presence.

Procedure at
meetings of
the Board.

13. (1) Subject to the provisions of sub-section (2), the members of the Board may regulate the procedure to be followed at meetings of the Board.

(2) The quorum for any meeting of the Board shall be five.

PART III.

STAFF OF THE BOARD.

14. (1) The Board may appoint such officers and servants as it considers necessary for the efficient discharge of its functions.

Appointment of
officers and
servants.

(2) The officers and servants of the Board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by the Board.

(3) At the request of the Board, any officer of the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent or be permanently appointed to such staff. The provisions of sub-sections (2) and (3) of section 26 of the Government-Sponsored Corporations Act shall, *mutatis mutandis*, apply in relation to any officer in the public service who is temporarily or permanently appointed to the staff of the Board.

(4) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

PART IV.

FINANCE AND ACCOUNTS.

15. The Board shall have its own fund. All moneys received by the Board, including such sums as may be paid to the Board out of the Consolidated Fund of Ceylon, shall be credited to the fund, and all payments made by the Board shall be made therefrom.

Fund of
the Board.

16. The Board shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

Accounts of
the Board.

17. (1) The accounts of the Board shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor shall be paid by the Board such remuneration as the Minister may, with the concurrence of the Minister of Finance, determine.

Audit.

(2) The Auditor-General shall have power—

- (a) to direct the manner in which the accounts of the Board 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; and
- (b) to conduct a supplementary or test audit of the accounts of the Board by such person or persons as the Auditor-General may authorize in that behalf, and for the purposes of such audit to require any person to furnish information or additional information to the person or persons so authorized, on such matters, and in such form, as the Auditor-General may, by general or special order, direct.

(3) The auditor shall examine the accounts of the Board and ascertain the correctness of the balance sheet and furnish a report to the Auditor-General stating—

- (a) whether he has or has not obtained all the information and explanations required by him; and
- (b) whether in his opinion the balance sheet and the 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.

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

(5) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Board.

(6) For the purposes of this section the expression "auditor" means—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

- (b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

18. (1) The Board shall, on receipt of the auditor's report in respect of any year, transmit to the Minister within nine months of the expiry of that year—

Documents to be transmitted to the Minister and to be placed before the Senate and the House of Representatives.

- (a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report;
- (b) a copy of the revenue and expenditure account;
- (c) a copy of the balance sheet; and
- (d) a report by such Board on its work for the period for which the revenue and expenditure account and the balance sheet have been made up.

(2) The Minister shall lay copies of the documents transmitted to him under sub-section (1) before the Senate and the House of Representatives within two months of the receipt of such documents by the Minister.

PART V.

MISCELLANEOUS.

19. Where any land (other than land referred to in section 4) or any interest in such land is required by the Board for any of its purposes, such land or interest may be acquired under the Land Acquisition Act by the Government for the Board, and the provisions of that Act shall apply for the purposes of the acquisition of that land or interest.

Compulsory acquisition of any land other than land referred to in section 4 or any interest in such land for any purpose of the Board.

20. Where any immovable property of the Crown is required for any purpose of the Board, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance and accordingly the provisions of that Ordinance shall apply to a grant or lease of such property to the Board.

Special grant or lease of Crown property to the Board.

21. In the exercise of its duties and powers under this Act the Board shall be subject to and act in accordance with such general or special directions as the Minister may from time to time issue.

Minister's directions to the Board.

Power to
enter land or
premises.

22. (1) Any officer or servant of the Board who is generally or specially authorized in that behalf by the Board may at all reasonable times enter upon any land or premises and there do such acts as may be reasonably necessary for the purpose of carrying out any work of the Board or of making any survey, examination or investigation, preliminary or incidental to the exercise of any power, or the discharge of any function, of the Board.

(2) Any person who without lawful exercise obstructs any officer of the Board while acting in pursuance of sub-section (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

Power of
Minister to
modify certain
written laws.

23. For the purpose of enabling the Board to exercise, perform or discharge, within any Reclamation and Development Area declared by Order under section 2, any power, duty or function under any of the enactments referred to in the Second Schedule to this Act, the Minister may, by Order published in the *Gazette*, declare that any such enactment shall, in its application within that Area, have effect subject to such modifications as may be specified in the Order.

Effect of
other laws.

24. The provisions of this Act or any regulation or Order made under this Act shall have effect notwithstanding anything in any other written law.

Amendment of
Schedules.

25. The Minister may, by Order published in the *Gazette*, amend any Schedule to this Act.

Revocation by
House of
Representatives
of Orders under
section 23 and
section 25.

26. The House of Representatives may by resolution revoke any Order made by the Minister under section 23 or section 25 of this Act 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. Such revocation shall be without prejudice to anything previously done thereunder.

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27. (1) The Minister may make regulations to give effect to the principles and provisions of this Act. Regulations.

(2) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*.

28. In this Act unless the context otherwise requires, " Board " means the Colombo District (Low-lying Areas) Reclamation and Development Board established by this Act. Interpretation.

FIRST SCHEDULE

[Section 2]

The Colombo Municipal Council.
The Dehiwela-Mount Lavinia Municipal Council.
The Kotte Urban Council.
The Kolonnawa Urban Council.
The Peliyagoda Urban Council.
The Wattala-Mabole Urban Council.
The Moratuwa Urban Council.
The Piliyandala Town Council.
The Maharagama Town Council.
The Hendala Town Council.
The Dalugama Town Council.
The Kelaniya Town Council.
The Battaramulla-Talangama Town Council.
The Mulleriyawa Town Council.
The Kotikawatte Town Council.
The Ambatalen Pahala Village Council.
The Kotte-Galkissa Village Council.
The Mampe-Kesbewa Village Council.

SECOND SCHEDULE

[Section 23]

The Municipal Councils Ordinance.
The Urban Councils Ordinance.
The Town Councils Ordinance.
The Village Councils Ordinance.
The Town and Country Planning Ordinance.
The Housing and Town Improvement Ordinance.
The National Housing Act.