

PARLIAMENT OF CEYLON

2nd Session 1953-54



Housing and Town Improvement (Amendment) Act, No. 10 of 1954

Date of Assent : February 22, 1954

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVT. PUBLICATIONS BUREAU, COLOMBO. Annual Subscription (including Bills) Rs. 25, payable in advance to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, POST OFFICE BOX 500, Secretariat, Colombo 1.

Price : 30 cents.

Postage : 10 cents.

L. D.—O. 6/53.

AN ACT TO AMEND THE HOUSING AND TOWN
IMPROVEMENT ORDINANCE.

(Chapter 199,
Vol. V,
page 422)

[Date of Assent: February 22, 1954]

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 Housing and Town Improvement (Amendment) Act, No. 10 of 1954.

Short title.

2. Section 2 of the Housing and Town Improvement Ordinance (hereinafter referred to as "the principal enactment"), is hereby amended, in the definition of "building", by the substitution, for the words "of a building;", of the words "of a building, and any masonry boundary wall or gateway;".

Amendment of
section 2 of
chapter 199.

3. Section 43 of the principal enactment is hereby amended as follows:—

Amendment of
section 43 of
the principal
enactment.

(a) in sub-section (2) of that section—

(i) in paragraph (d) thereof, by the substitution, for the words "by the said owners", of the words "by the said owners or by the authority in default of the owners";

(ii) by the insertion, immediately after paragraph (d) thereof, of the following new paragraphs:—

"(da) the alteration of, or repairs to existing buildings by the owners or by the authority in default of the owners;

(db) the execution of any work relating to the water supply, drains and sewers of any new or existing buildings by the owners or by the authority in default of the owners;"

(iii) in paragraph (e) thereof, by the substitution, for the words, "erect new buildings", of the words "execute any work"; and

(iv) by the insertion, at the end thereof, of the following:—

‘ In paragraph (da) of this sub-section “ alteration ” shall have the same meaning as in section 6 (2) of this Ordinance ’; and

(b) by the insertion, immediately after sub-section (5), of the following new sub-section:—

“ (5A) Where the authority, by reason of the default of the owner, has erected a new building under sub-section (2) (d) or has altered any building under sub-section (2) (da), or has executed any work under sub-section (2) (db), the expenses therein incurred shall be recoverable from the owner of the building in the same manner and by the same process as a rate, in such number of annual instalments as may be specially provided for in the scheme.”

Insertion of new
section 99A in
principal
enactment.

4. The following new section is hereby inserted after section 99, and shall have effect as section 99A, of the principal enactment:—

Buildings in a
ruinous and
dangerous
state.

99A. (1) If any building or anything affixed thereon be deemed by any local authority to be in a ruinous state, or to be likely to fall, or to be in a state of gross disrepair or to be injurious to the health or safety of the occupants thereof, the local authority shall cause notice in writing to be served forthwith on the owner or occupier of such building to take down, secure or repair such building or thing fixed thereon, as the case may require.

Where the address of the owner of a building is entered in any register or other record of a local authority, the notice referred to in the preceding provisions of this sub-section shall be deemed to have been duly served, if such notice has been sent to him to that address by registered post.

(2) If any person, on whom a notice is served by or on behalf of the local authority under sub-section (1), does not begin

to comply with such notice within seven days of the service thereof or does not complete the work with due diligence, the local authority shall cause all or so much of the work as it may deem necessary, to be carried out, and all the expenses thereby incurred by the local authority in the execution of the work shall be recoverable in the same manner and by the same process as a rate.

(3) Any person, on whom a notice is served by or on behalf of the local authority under sub-section (1) may, if he intends to appeal against the service of such notice on the ground that the notice has been served without reasonable cause, within three days of the date of the service of the notice on such person, notify his intention so to do to the local authority, and within ten days of the said date appeal to the Minister against such service.

As soon as such person has notified his intention to appeal to the local authority under the preceding provisions of this sub-section, any work which has commenced by reason of the service of such notice shall cease.

(4) The Minister to whom an appeal against the service of a notice has been made by any person under the preceding sub-section; after such inquiry as he may think fit—

(a) may dismiss such appeal, and thereupon the provisions of sub-section (2) of this section shall apply in relation to such person, subject to the modification that he shall be obliged to comply with the notice within such period as may be specified by the Minister; or

(b) may allow such appeal, and thereupon all proceedings in terms of the notice shall terminate.

The decision of the Minister on any appeal made to him under this section shall be final and conclusive and shall not be questioned in any court of law.

Amendment of
section 108
of the
principal
enactment.

5. Section 108 of the principal enactment is hereby amended as follows:—

- (a) by the re-numbering of sub-section (3) of that section as sub-section (5); and
- (b) by the insertion, immediately after sub-section (2) of that section, of the following new sub-sections:—

“ (3) No person shall erect any masonry boundary wall of a height exceeding $7\frac{1}{2}$ feet:

Provided, however, that this sub-section shall not apply to any boundary wall which abuts upon any street.

(4) Where any land is situated at the junction of any two streets, no person shall erect any masonry boundary wall or gateway on such land in contravention of the following conditions, that is to say, that no part of such boundary wall or gateway which is within a distance of 30 feet from the point of such boundary wall or gateway which is nearest to the centre of the junction, shall be of a height exceeding 5 feet. ”

Amendment of
Schedule to
the principal
enactment.

6. The Schedule to the principal enactment is hereby amended as follows:—

- (a) in rule 2 thereof, by the addition, at the end of that rule, of the following new paragraph:—

“ (6) Where, in the case of any factory (within the meaning of the Factories Ordinance, No. 45 of 1942) which is situated within the administrative limits of any Municipality or within an area the limits of which have been defined by the Minister by Order published in the *Gazette*, and in the premises of which it is proposed to construct additional buildings for complying with the provisions of that Ordinance or of any regulation made thereunder, the Municipal Council or the local authority having control over such area, as the case may be, is satisfied that compliance

with this rule will necessitate the acquisition by the owner of the factory of new land at an unreasonably high price, such council or authority may, upon recommendation made in that behalf by the Registrar of Factories and subject to such terms and conditions as the Registrar of Factories may determine, exempt the site used for the factory from the operation of this rule.”;

(b) in rule 3 of that Schedule—

- (i) in paragraph (a) thereof, by the substitution, for the expression “ 10 feet ”, of the expression “ 9 feet ”;
- (ii) by the substitution, for paragraph (b) thereof, of the following new paragraph:—

“ (b) where the domestic building has only one habitable room, the clear superficial area of such room must be not less than 120 square feet, and where the domestic building has more than one such room, one room must be not less than 120 square feet, another not less than 100 square feet, and every other additional room not less than 90 square feet;”;

- (iii) by the insertion, immediately after paragraph (c) thereof, of the following:—

“ (ca) each side of such room must be not less than 8 feet in length;

(cb) the clear height of every door in such room must be not less than 6 feet;”;

- (iv) in paragraph (d) thereof, by the insertion, immediately after the Proviso thereto, of the following new Proviso:—

“ Provided further that in every case the clear opening of each window must be not less than 8 square feet.” and

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(c) in rule 8 (1) of that Schedule, by the substitution for the Proviso, of the following:—

“ Provided that where in any area, not being an area mainly let in tenements to persons of the poorer or labouring classes, the street is intended for the service of a limited number of premises, the Chairman may sanction in any of the circumstances mentioned in an entry in column I of the Table set out hereunder, a width which is not less than the width specified in the corresponding entry in column II of that Table (the last-mentioned width being hereinafter referred to as the “ approved minimum width ”).

The Chairman may, when sanctioning a reduced width for any street under this paragraph, define the building frontage line for that street beyond which no building or other permanent structure shall project.

Table.

I	II
Where the street is intended for the service of—	
(a) not more than 2 premises,	the approved minimum width shall be 10 feet,
(b) more than 2 premises but not more than 6 premises,	the approved minimum width shall be 20 feet, and
(c) more than 6 premises but not more than 14 premises so arranged as to front on to an open space, whether by forming the sides of a quadrangle or in some other similar manner,	the approved minimum width shall be 20 feet:

Provided that the Chairman may sanction for any portion of the street in the circumstances specified in item (b) of the said Table a width which is not less than 10 feet, and in the circumstances specified in item (c) a width which is not less than 15 feet, if he is of opinion that it is impracticable to provide for that portion of the street the approved

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minimum width and he is satisfied that such further reduction will not endanger the safety of vehicles and passers-by."

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7. (1) The amendments made in the principal enactment by sub-paragraphs (iii) and (iv) of paragraph (b) of section 6 of this Act shall not apply to any habitable room constructed before the commencement of this Act unless, in the opinion of the Chairman, there is a substantial alteration of that room.

Certain
amendments
not to apply
to rooms
constructed
before the
commencement
of this Act.

(2) In this section "Chairman" shall have the same meaning as in the principal enactment.